

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

HIGHLY MIGRATORY SPECIES ADVISORY PANEL

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Silver Spring, Maryland

TAPE TRANSCRIPTION

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1 P R O C E E D I N G S

2 MR. ROGERS: We'll get started. What's that?

3 A PARTICIPANT: (Inaudible.)

4 MR. ROGERS: You want us to wait a little bit until
5 everybody comes here? What if it's 11 o'clock? Well, our
6 hope was that we could get a quick start on this bluefin tuna
7 issue, knowing that --

8 A PARTICIPANT: (Inaudible.)

9 MR. ROGERS: Oh. Knowing that those who have an
10 intense interest in bluefin tuna would be here on time.
11 We're being overruled by the two people who have the --

12 A PARTICIPANT: Want to give it another five
13 minutes? At least wait until you get Pat and Mark here.

14 MR. ROGERS: There's Mark.

15 A PARTICIPANT: I (inaudible) gets here.

16 A PARTICIPANT: No problem.

17 (Interruption to tape.)

18 MR. ROGERS: All right, good morning. Looks like
19 we have a quorum, whatever the panel determines that quorum
20 to be.

21 A PARTICIPANT: (Inaudible.)

22 MR. ROGERS: What we'd like to do first this

1 morning would deal with some issues related to the bluefin
2 tuna fishery. We do have a public hearing this evening for
3 the 2001 specifications, which would include the quotas by
4 category and the effort controls for the general category.

5 But two issues that have come up in recent years
6 have been the so-called rollover provisions and the effort
7 control schedule, and in a larger sense than just determining
8 the restricted fishing days and things like that. So we
9 wanted to open up for discussion on these two issues. Brad
10 McHale (phonetic) will lead this discussion this morning.

11 Again, these two issues that we want to speak to
12 this morning are more general, in terms of the philosophy of
13 policy or formulation of how to deal with these two issues,
14 and we'll deal with the specifics of the quotas by category
15 and the effort control schedule in tonight's hearing. So
16 Brad's going to present these two issues and discuss a little
17 bit, then we'll open it up for the panel's input.

18 MR. McHALE: Good morning, everyone. To those of
19 you that don't know me, my name is Brad McHale, fishery
20 management specialist for the highly migratory species
21 division located up in Gloucester, Massachusetts.

22 As Chris had mentioned, I'm only going to really

1 touch on two issues that are put out in the 2001 fishing year
2 proposed specification; I'm going to save the majority of
3 that presentation for this evening's public comment session.

4 Those two issues, as they're shown up here, is the
5 domestic quota allocation dealing with overages and underages
6 in individual fishing categories from one year to the next,
7 and then we'll also be touching on our general category
8 effort controls, which consist of time period sub quotas and
9 a restricted fishing date schedule, and we'll be focusing
10 more on that restricted fishing date schedule.

11 (Interruption to tape.)

12 A PARTICIPANT: Let's see, Mau, then Rich, and then
13 (inaudible).

14 DR. CLAVERIE: Thank you. Can you refresh my
15 memory with what is the definition of OY in this plan?

16 A PARTICIPANT: Could you say that again, Mau?

17 DR. CLAVERIE: What is the definition of optimum
18 yield in this plan? I don't remember; do you? Can somebody
19 --

20 A PARTICIPANT: Well, Mau, it's out of the Act.
21 It's, to paraphrase very badly, it's to gain the maximum
22 benefit for the nation. Optimum yield, I can go into the

1 fishery management plan.

2 DR. CLAVERIE: Yeah, I was wondering what it is in
3 the fishery management plan, because we're supposed to attain
4 optimum yield, but what is optimum yield? It's surprising to
5 me that the people who are managing the fish don't know that
6 you should brush your teeth with it every morning, because
7 the law says that is what we're doing.

8 A PARTICIPANT: It's the same definition, Mau.

9 DR. CLAVERIE: And I can tell you why I can't
10 remember: just because I can't remember. But that's not an
11 adequate definition. Maybe we better get on that. To attain
12 the optimum benefit to the nation, that's different in every
13 umpteen million eyes in the nation. Because some of the
14 criteria here would be related to whether or not doing this
15 or that or the other is the best way to attain optimum yield.
16 We'd better look at that.

17 A PARTICIPANT: Thank you.

18 DR. CLAVERIE: One factor that hadn't been
19 mentioned, I just want to add it into the pot, is that if you
20 build up an excessive amount of available fish to be caught
21 in any particular category by these carry -- or the
22 rollovers, as you call it, that, seems to me, would be an

1 inducement for temporary or artificial attraction of excess
2 capacity to that particular category for the subsequent
3 years, and then you have this excess capacity to deal with in
4 the future. So that should be factored into the thinking
5 some kind of way; how I don't know.

6 But I mean, it's fairly obvious that if a
7 particular category has been under harvesting for several
8 years and suddenly has a huge quota for this particular year,
9 it would attract people to gear up to go for that who would
10 not otherwise do so if it was a normal quota for that
11 category.

12 So I assume the optimum yield means something to
13 the effect that we'll kill every fish that ICCAT allows us to
14 kill; I'm assuming that. I don't know that that might be the
15 best thing to do, but if that's what optimum yield is, that's
16 what the law compels us to do.

17 Because if we kill every fish that ICCAT allows us
18 to kill, I guess we can assume that's not over-fishing. And
19 by definition, we're supposed to attain optimum yield without
20 over-fishing. So the number, in this particular instance, if
21 that's what optimum yield is, is set for us by ICCAT and that
22 makes it kind of easy.

1 So the only real problem I see is political or
2 social or economic, whatever you call; it's not biological.
3 And other than encouraging excess capacity, do it any way you
4 want, except that if the under-harvest is due to excessive
5 restrictions, then the restrictions should be addressed, it
6 would seem to me, rather than switching fish around.

7 I know the problem with that is that nobody can
8 foresee what's going to happen in any particular year, due to
9 weather and current locations and all that kind of stuff, but
10 I don't see it as a good idea to, over a long term, build up
11 a lot of left over, rollover stuff in any particular
12 category. That means something's wrong: either that type of
13 fishing is not in favor anymore, those fish aren't there
14 anymore, the regulations are wrong for that particular
15 category.

16 And it seems to me that those issues ought to be
17 addressed before relying on a carryover situation to balance
18 things out in the long run.

19 MR McHALE: Thank you, Mau. Chris?

20 MR. ROGERS: To clarify the optimum yield
21 situation: under Magnuson, when we're in a situation with an
22 over-fished stock, optimum yield by definition is to stay on

1 your rebuilding plan, which obviously in consistent with
2 ICCAT in the case of bluefin, because we have obtained a
3 rebuilding plan through the ICCAT recommendation.

4 But in that package that I had handed out to
5 everybody initially, with the standard operating procedures
6 for each of the panels, there was just an excerpt from each
7 of the FMPs with the objectives. So this is Chapter One,
8 Purpose and Need, page 12 from the HMS MFP package.

9 It says, consistent with other objectives of this
10 FMP, Atlantic HMS fisheries will be managed for continuing
11 optimum yield so as to provide the greatest over all benefit
12 to the nation, as Mark had just said, particularly with
13 respect to food production, providing recreational
14 opportunities, preserving traditional fisheries and taking
15 into account the protection of marine eco-systems.

16 So it's sort of a market basket of objectives in
17 our statement of optimum yield for all of the HMS fisheries,
18 but technically speaking, Mau, you're correct in that,
19 provided we have an approved rebuilding plan, as long as you
20 take every fish under the quota, subject to that rebuilding
21 plan, you're on the path for rebuilding. And that's
22 consistent with our optimum yield.

1 MR. McHALE: I'm going to go with Rich.

2 MR. RUAIS: Now, I have a number of issues that I
3 guess some of them, on the actual category quotas, you want
4 to reserve that discussion for tonight.

5 MR. McHALE: Please.

6 MR. RUAIS: Okay. On the 2001 ICCAT recommended
7 quota, I have a question. It's not clear to me. We had a
8 revised estimate of the amount of discard in the long line
9 category last year and the result of that was that there was
10 a higher amount of U.S. quota that could be caught in 2001 as
11 a result of the reduction by the long line fleet of the
12 number of discards of dead tuna. Where is that represented?
13 Is that built in already to these 2001 ICCAT recommended
14 quotas?

15 A PARTICIPANT: It is in those numbers, and later
16 on this evening, when I do the public hearing presentation,
17 we'll get into more detail on where they actually show up,
18 how they're allocated and what that amount actually is.

19 MR. RUAIS: Okay, so basically, I think it was 30
20 tons or 34 tons or something like that; that was spread
21 proportionate across all five categories?

22 A PARTICIPANT: I don't think it was quite that

1 level, but it was spread out amongst the categories, es.

2 MR. RUAIS: Was it quite that level in terms of the
3 total amount?

4 A PARTICIPANT: I believe the estimate -- and
5 again, I prefer to get into it tonight, but I believe the
6 estimate from the pelagic log books was somewhere in the
7 magnitude of 51 metric tons, so with the allowance of 68,
8 left 17 metric tons, which can then be divided in half, which
9 means eight point five, which then can be redistributed to
10 the domestic fishing category.

11 MR. RUAIS: That's (inaudible), okay. I thought
12 the number was somewhat larger than that, but okay.

13 Yesterday I did pass a handout around on the -- to
14 the AP on the harpoon category, and I guess I'll talk about
15 that tonight, but we're requesting -- three of the major tuna
16 organizations are all on line, and there are more
17 organizations, apparently, as well that are ready to support
18 an increase in the base quota for the harpoon category on the
19 basis that over time, historically, the harpoon category was
20 about 10 percent of what the general category was. And
21 starting around 1997, the general category went up by about
22 100 tons and the harpoon category was sort of left behind,

1 without a commensurate increase in its base quota.

2 And if you can find in your package somewhere,
3 distributed yesterday, it's just a one page document that
4 explains the reasons why the commercial tuna associations are
5 all supporting an increase in the harpoon category base.

6 I did want to make a couple of comments on the RFA
7 document that was distributed yesterday. One, it doesn't say
8 who attended this meeting, but I understand from a message I
9 got from Steve Sloan that it was pretty wide -- it was pretty
10 well attended by most of the people in the recreational
11 angling category, fishery in Wachapreague, Virginia or
12 wherever it was.

13 So I would just want to recommend to NMFS that you
14 listen very carefully to what that group seems to have
15 hammered out, in terms of the changes to the fishing season
16 that they want to see. It's their fishery and if they want
17 to see the fishery reorganized with new boundary lines and
18 new seasonal guidelines, I think that's all reasonable stuff.

19 In terms of their recommendation on the 8 percent
20 rule, I think that issue is much better handled at the ICCAT
21 advisory committee, which basically sets what the U.S. -- or
22 makes some recommendations to the commissioners about what

1 the U.S. objectives should be at ICCAT, and that's where that
2 8 percent rule originated. So it's really better carried out
3 in that forum.

4 The RFA's recommendation number four, where they're
5 suggesting that their allocation cannot be touched, if you
6 will, transferred, to any other category that sells fish is
7 really not something that's supportable, and I don't think is
8 really the intent of the law.

9 I mean, the law provides NMFS with a mandate that
10 says NMFS has to provide a reasonable opportunity for all
11 U.S. fishermen to catch the ICCAT allocation. Each of the
12 quotas -- our view is that each of the quotas, nobody really
13 owns that quota, per se; you have -- you're privileged to
14 have an opportunity to catch that quota, and that extends
15 beyond one year, and that's why we support the rollover
16 provisions, but it isn't something that can go on
17 indefinitely if you have some inability or if the fishery is
18 simply not there for you to prosecute and catch that quota,
19 that quota needs to be made available to other U.S. fishermen
20 that can catch that quota.

21 And I say that knowing well that the commercial
22 categories are subject to the same process, that if we show

1 over time that we can't catch the quota, that quota needs to
2 be made available to other use groups that can catch that
3 quota.

4 In terms of the NMFS, the stuff that Brad is
5 talking about here, I don't think we have any choice but to
6 follow the process that you've been using to date, which is,
7 at least initially, roll over any specific categories,
8 specific underage, roll that over into the following year.
9 Anything can happen in one year. Any category could not
10 catch its quota for whatever reason, and you've got to afford
11 each group an opportunity to catch it.

12 There is a limit to that, though, and we can
13 appreciate that. And the biological concern is a real one
14 and it applies to all categories, particularly the angling
15 category where you're talking about smaller fish and
16 therefore the tonnage is actually talking about a lot more
17 animals than you are talking about in the general category.

18 But the numbers that you were suggesting, in terms
19 of some sort of a cap on it, certainly are not in the ball
20 park of what we're talking about. We're looking more at 75
21 percent or 100 percent of a category quota that should be
22 rolled -- certainly should be rolled over for at least one

1 year, and then if you see a chronic problem, a chronic,
2 continuing underage problem and the numbers start getting
3 serious in terms of any specific quota, you can expect that
4 we're going to have some issues that are raised by our
5 partners in this process; particularly the Canadians, if we
6 see any quotas getting out of line.

7 And the angling category is approaching that level
8 right now, certainly at 566 tons. I mean, obviously if you
9 convert that and look at a worst case scenario, that they're
10 all school sized fish, and on the smaller end of the school
11 sized fish, what you could do to any single year class, if
12 they did make themselves available, you could take a
13 significant portion of that year class with -- or at least
14 that year class that's available to the coastal fisheries,
15 and that's clearly a concern.

16 But I don't have a hard recommendation to make,
17 whether it should be 75 or 100 percent. Right now the
18 process -- we know how the process works; it's a little bit
19 vague. You've got -- there's five criteria in the plan that
20 you use to provide in season transfers among the categories
21 to try to make sure that you meet the mandate of the law, and
22 we've lived with that thus far and, you know, hopefully this

1 angling category problem will, with changes that are being
2 made, will rectify itself over time. If not, we're going to
3 have to look harder at it, I guess.

4 In terms of the effort controls for the general
5 category, again, all three major commercial organizations, I
6 think, have weighed in and suggest that we need to learn from
7 the '99 and 2000 fishing season, where in both cases we
8 didn't have what was happening in the middle 1990s, which was
9 a very fast catch rate that produced the shortened season.
10 And clearly, we've commented repeatedly in 1999 and 2000 that
11 the days off were hindering us, the general category, from
12 catching the sub period quotas, which are, as everyone knows,
13 very important regionally; it distributes the resource
14 throughout New England and it's an important thing.

15 So two of the organizations, East Coast Tuna and
16 North Shore Community Tuna, are both supporting no days off,
17 and let the fishery regulate itself. If we have a repeat of
18 the '99 or 2000 fishing season pattern, there won't be a
19 problem if we revert back to the '98 or '97 season or prior,
20 NMFS has the authority within the regulations, within 72
21 hours, to add restricted fishing days on there, 48 or 72
22 hours, whatever it is. And that's enough of a break to

1 achieve any of those objectives of trying to stretch the
2 fishery out as long as you can.

3 So we certainly do not want, even general category
4 tuna association is on record as saying, you have to take
5 into account what's happened the last two years and not start
6 this season off with the kind of schedule that we've used the
7 last couple of years, which last year resulted in general
8 category underachieving its quota substantially, prior to the
9 beginning of the North Carolina fishery.

10 I'll stop there and let some others talk
11 (inaudible).

12 A PARTICIPANT: All right, Rich, just to reiterate
13 there, so that option where I said, where we actually have a
14 restricted fishing date schedule with some sort of possible
15 delayed implementation, based upon, say, consecutive days
16 landing a certain metric tonnage, is that something that your
17 organization would be in favor of, versus a complete no RFD
18 schedule?

19 MR. RUAIS: Well, we talked about that quite a bit,
20 trying to see if there was some kind of trigger that -- you
21 know, whether it would be three 20 ton days or a seven day
22 period where some number -- some amount of fish were landed.

1 And it's really difficult. It's difficult to try to come up
2 with something.

3 If you put a room full of fishermen together and
4 try and agree upon what an appropriate trigger would be, I
5 think we take comfort in the fact that you already have the
6 authority, within 48 hours, to do it. If we see that in late
7 July or early August the catch rate dramatically escalates,
8 if we need to go to two days off a week or three days off a
9 week to try to stretch fishing out to the end of August, then
10 I think you'll see a consensus develop fairly rapidly in the
11 fishery that that's where we want to go.

12 I think it's hard to try to, in advance, figure out
13 what an appropriate trigger will be, and we don't know what
14 the market conditions are going to be like and we don't know
15 what the fishery's going to be like. We're glad you have the
16 authority to do it, and it's a good authority to have and we
17 want to keep it in reserve for when we need it. Initially,
18 we should have people have the expectation that we're going
19 to start this fishery and fish until the situation changes
20 and restricted fishing days are required.

21 A PARTICIPANT: Thank you, Rich.

22 MR. MCHALE: Next we go to Bob Pride, then David

1 Wilmot, and then Mr. Clarence (inaudible).

2 MR. PRIDE: Thank you. I've got a couple of
3 questions to start with. On the first page of the handout,
4 you mentioned the dead discard allowance, but you didn't tell
5 us how much it was. How much is it?

6 A PARTICIPANT: 68 metric tons is the current dead
7 discard allowance.

8 MR. PRIDE: Okay, and that has nothing to do with
9 1387? That's in addition to --

10 A PARTICIPANT: That is correct.

11 MR. PRIDE: 68 metric tons. And you just estimate
12 what those dead discards are, as best you can each year?

13 A PARTICIPANT: Currently, yes.

14 MR. PRIDE: Okay. Second question: when we talk
15 about the proposed adjusted 2001 quotas, if you're going to
16 do this tonight then I'll be quiet today, but what is the
17 calculation of the additions by size class in the angling
18 category? I mean, where do those numbers come from? That's
19 a lot of tonnage.

20 A PARTICIPANT: Are you specifically referring to
21 the break down of how the angling category is broken down
22 into those sub categories?

1 MR. PRIDE: Right. I mean, I'm assuming it's
2 fairly straight forward in the commercial categories, but in
3 the angling category, with the different schools (inaudible)
4 --

5 A PARTICIPANT: Yeah. What I can do is, in the
6 actual 2001 proposed specifications, we specify the
7 percentages that angling category is then broken down,
8 further broken down, by.

9 MR. PRIDE: Well, I'd just like to know, you know,
10 specifically where the 293 metric tons came from that are
11 being added in to the 2001.

12 A PARTICIPANT: I'd have -- I can generate a table.
13 I have a table that will show that each individual sub
14 category of that angling, where that tonnage is coming from.

15 MR. PRIDE: If you could show us that tonight, that
16 would be great.

17 A PARTICIPANT: No problem.

18 MR. PRIDE: Okay. On the quota carryover
19 situation, my understanding is, and I've always been told
20 that basically our ICCAT treaty basically says that we do
21 have to kill our quota if we can. Is that a true statement
22 or a false statement?

1 A PARTICIPANT: (Inaudible.)

2 MR. PRIDE: We're supposed to scientifically
3 monitor up to the quota.

4 A PARTICIPANT: (Inaudible) provide (inaudible)
5 ICCAT (inaudible) basically provide (inaudible).

6 MR. PRIDE: One of the things that happens in
7 recreational fisheries is that over time, ethics changed. We
8 had a long discussion yesterday about billfish conservation
9 over the last 20 some years, where the landings had been
10 reduced by 98 percent. Some of that's going on in the
11 recreational fisheries. A large part of what we see
12 happening is that effort reduction is taking place; some of
13 that is ethical choices that anglers are making about landing
14 fish, but most of it is just, they're not going fishing, at
15 this point.

16 However, over time that can change. We've seen it
17 happen with red drum, we've seen it happen with marlin, and
18 it's going to happen with other species as anglers, the
19 younger anglers in particular, coming in and saying, you
20 know, we don't want to kill these beautiful creatures, you
21 know, for whatever reason.

22 And there's nothing that I see in any discussions

1 at any of the meetings that I go to that provides for
2 category, an angling category for example, to conserve their
3 fish and not have them be reallocated. And part of the
4 discussion we had at the RFA meeting was along those lines:
5 what about a deliberate conservation effort on the part of
6 the category, to improve the fishery for all participants?

7 So I just throw that out as a thought. At this
8 point it's not a concrete thought, but along those lines, I
9 think we need to discuss it.

10 To respond directly to what Rich said about the
11 carryovers, our assumption was, at the end of four years,
12 that something different would have to happen. And we didn't
13 discuss it in detail (inaudible), so I'm not going to take a
14 public position, but I think that that's open to negotiation
15 and we probably would concur with what you're saying, if we
16 are supposed to take the fish. Particularly, as you say, the
17 power to wipe out a particular year class gets pretty
18 powerful and we have to watch that very carefully.

19 The final comment I wanted to make was in the
20 general category effort control alternatives. I didn't see a
21 days at sea alternative, and I don't know how practical that
22 is in these fisheries, but it's something you might want to

1 at least investigate.

2 That concludes my comments. Thank you.

3 A PARTICIPANT: Thank you, Bob.

4 MR. SAMPSON: So perhaps David Wilmot (inaudible)
5 Clarence and (inaudible).

6 MR. WILMOT: Thank you, Mark. I don't have a dog
7 in the fight on allocation. You all know this is one of the
8 areas that we typically don't have a lot to say on, one of
9 the few areas.

10 I will comment on a couple of ecological aspects,
11 but first, I'm always amazed at the level that we micro-
12 manage this fishery. Generally, for individuals who are
13 screaming for government to get off your back, I have to say,
14 I find it incredibly ironic that you run to NMFS and beg them
15 to help you manage your fishery so that you don't get too
16 little for a fish because you all can't control yourself and
17 might actually glut the market. So I just find it incredibly
18 ironic, and I have to comment on that every time.

19 My concern here is ecological. You did a nice job
20 in your presentation and Rich even alluded to it in his
21 comment, if the rollovers occur and then become excessive, we
22 can have increased mortality on a single year class or on a

1 few year classes, that can have a significant impact on the
2 rebuilding schedule. That's something we should avoid at all
3 cost.

4 We should remember that not only is OY what Chris
5 described, but OY was redefined in the '96 re-authorization
6 to be MSY minus everything that we think of in adjusting the
7 fishery: socio-economic, ecological; etc. This is a true
8 ecological concern that we have to factor in.

9 So my thinking on this is, along that line is, that
10 we of course should limit the rollovers. When we look at how
11 some of these numbers are building, if you imagine all of
12 that quota being caught in a single year class or two year
13 classes, we could devastate the rebuilding plan. So we
14 should absolutely limit the rollovers.

15 And I don't think that in limiting and not
16 reallocating, that violates the opportunity clause. I'm not
17 looking to punish anybody here, but in fairness, if NMFS, in
18 consultation with all of you, agree upon a plan to try to
19 allocate this quota and everyone goes out and tries to catch
20 it, and then there's a rollover for one year where a fraction
21 of that rolls over, whatever that may be, and it would
22 certainly be the majority, and then in a second year it can't

1 be caught, I believe that the opportunity to catch the quota
2 has been fulfilled.

3 There's no guarantee, here. This is the pursuit of
4 happiness idea. We're not guaranteed happiness. You're not
5 guaranteed quota. It's the opportunity to catch the quota.

6 A couple of years, if you all sit around here and
7 agree upon what NMFS offers back, I consider that an
8 opportunity, and if you can't catch the fish, there's a good
9 ecological reason why you're not catching the fish, and they
10 shouldn't be put into somebody else's pocket, because that's
11 just, again, transferring the mortality to an area where it
12 shouldn't be. That quota, for that category, has already
13 been assigned.

14 So my suggestion would be, limit the rollover, I
15 don't have a specific number on what that should be, and
16 limit the time frame; it should be a short period of time,
17 and then do not reallocate it into any of the other
18 categories.

19 A PARTICIPANT: All right, thank you, Dave.

20 MR. MCHALE: Let's hear Mr. Clarence (inaudible).

21 MR. LEE: Just a couple of comments. With regards
22 to the rollover in this particular fishery, I just find it

1 interesting that in the other fisheries that National Marine
2 Fisheries Service manages, we're not allowed to do that.
3 North Carolina had an issue where our commercial summer
4 flounder quota was not caught. We came forward and asked
5 that we be allowed to carry that forward to the next year,
6 and that flies in the face of NMFS philosophy in managing
7 those species; and yet in this particular fishery, we have
8 the rollover provision and we encourage that. So it's just a
9 little bit of a difference in philosophy, and it makes it
10 difficult for your fishing constituency to always understand
11 these issues.

12 The other point I wanted to make on, as far as the
13 bluefin tuna, North Carolina historically gets left out of
14 this fishery, and I'd like to make an appeal that in some
15 way, whether it has to do with an adjustment to the fishing
16 season, the start date, back that up to one January or that
17 there be some sub allocation for provision. But we have
18 these fish in our water, they are available to us, and yet we
19 really don't have an opportunity to land those fish.

20 And this past year we did, and we appreciate that.

21 And I'm not sure precisely how that occurred, but in some
22 way, I would like to make sure that we find a way to allocate

1 or have some of those fish available during the year, that
2 are available in our water. This is a very important fishery
3 to us, and we need to be able to participate in it on an
4 annual basis. Thank you.

5 MR. McHALE: Thank you, Clarence. Next up, Nelson.

6 A PARTICIPANT: (Inaudible.)

7 MR. WEISS: Yeah, just a couple of comments, and --
8 regarding the rollover and so on and so forth, you know,
9 David, on your comments, which I kind of agree with but then
10 I don't, if you leave these fish, if you throw them back in
11 the water and as you know and we all believe, they're going
12 to swim across the ocean and get caught on the other side.
13 And so I'd just as soon see us have the opportunity in a
14 different category to possibly catch these fish.

15 I think the problem is that we don't have a set
16 plan for these rollovers, and this is what happens: we get -
17 - we now have 500 tons or something that are left over, and -
18 - which is a large amount. I just believe in, whether it be
19 the angling category or the general category or the long
20 liners, this panel and NMFS should have a policy of what to
21 do with rollovers so we don't wait until the end -- the
22 general category, for instance, has to wait until the end of

1 the year, as happened last year, and see what the powers at
2 NMFS decide when, and if and when, to give us additional
3 quota, which they finally did, which was too late for us.

4 Although we did catch the normal general quota, it
5 was too late for us to catch what they gave us. And then, of
6 course, that's how North Carolina ended up with the fishery
7 it did.

8 Let's just get a policy down: when you don't catch
9 your quota, X amount of that quota gets rolled over next year
10 into different categories. And if the general category
11 doesn't catch their quota, so be it, let it get rolled over.

12 But for us to just sit here and year after year let these
13 things pile up, until -- you know, and then get the
14 recreational guys and the commercial guys, you know, on
15 different sides of the long liners, is silly.

16 Every year I ask Nelson for his quota, and
17 sometimes he gives it to me and sometimes he doesn't. And,
18 you know, and it depends on the way he gets up in the
19 morning, I guess. But that's what I believe should be done
20 regarding these rollovers and leftovers.

21 Regarding the effort controls, this is a very -- I
22 don't think it's a very contentious issue; it's just an

1 issue. We developed effort controls for a reason: because
2 we were catching fish too early, too soon, too quickly;
3 prices were going down the drain. And we developed a plan
4 about three or four years ago, which both -- all
5 organizations more or less agreed to.

6 And of course, fishing is fishing and things
7 change. And it works to a certain extent. And GCTA realized
8 last year that the fishery for the last couple of years has
9 changed, and June, July and August were quite slow;
10 September, October weren't. We'd catch a tremendous amount
11 of fish at the end of the year when the fish start to school
12 up.

13 And so instead of taking a program which has worked
14 pretty well for the last three or four years, or however long
15 we've had the effort controls, and we recommended that we, in
16 June, July and August, that we back off days off and only
17 have basically four days off or five days off in those three
18 months, and plus the Japanese holidays, which we all agree
19 have to be taken off, because there's no place to sell the
20 fish. and in September, October, leave the days off on as
21 they have been, because that's the time when fishing is the
22 heaviest and the market gets flooded, and for all the

1 reasons.

2 And we thought this was a good step in making
3 adjustments towards the changing fishery. We must remember
4 that NMFS can always change these rules, you know, as they
5 did last year: when we weren't catching a quota, they took
6 the days off off, and that's fine. But for us to make a
7 wholesale change today in this system that we've had for the
8 last several years, I believe, is wrong. I think if you're
9 going to change something, change it a piece at a time and
10 see how it works out.

11 Let me make one more comment, as long as I have the
12 mike here. I see some of my friends back there and they're
13 probably waiting for this issue to -- that was brought up
14 yesterday at five o'clock, to be addressed by me, which I'd
15 like to do if that's all right, because --

16 A PARTICIPANT: We'd actually prefer to do that
17 this evening, Peter.

18 MR. WEISS: I can't do that this evening; I'm not
19 going to be here. So I think since you gave them five
20 o'clock, I think I'd just like to make a quick statement.
21 It's not going to be very long.

22 A PARTICIPANT: (Inaudible.)

1 MR. WEISS: I've given some thought to the comments
2 that were made yesterday regarding those issues, and after
3 giving it some thought and reading the paper that was read, I
4 basically decided not to comment on this issue. I think the
5 comments made were relatively worthless. It was more of a
6 personal attack on me than anything else and somewhat on
7 Rich, and therefore I respect the panel's judgement as to
8 what they think of those comments, and I'll leave it at that.

9 MR. MCHALE: Thank you, Peter. Okay, Nelson.

10 A PARTICIPANT: Nelson.

11 MR. BEIDEMAN: Okay, Nelson Beideman, Blue Water.
12 It's getting to be quite a list of things to address.

13 For one thing, I question why we're back on the,
14 you know, quota carryover, et cetera. This is -- I agreed
15 with a lot of what Peter said, except for one thing: that,
16 you know, we don't have a policy on this. It seems to me
17 that there were years and years and years of deliberation on
18 this, and the first major, you know, task of the HMS panel
19 when it was formed was to go over the bluefin tuna quota
20 categories, carryovers, etc., in absolute detail in a three
21 day meeting. And we came out with policies.

22 It also seems to me that for some ungodly reason,

1 the National Marine Fisheries Service wants to keep the food
2 fight going, and keeps buying into, well, that we don't have
3 policies. But I think policies did come out of that meeting
4 and out of this panel. And, you know, correct me if I'm
5 wrong, but I think one of the biggest things that came out of
6 that is that the category should have some accountability,
7 that without accountability we keep getting, you know, more
8 and more and more problems, that there should be
9 accountability for the categories and sub categories, and
10 that every category had some right to stay -- you know, to
11 use its quota and stay within its quota.

12 Also, on the pelagic long line situation, we've got
13 to remember that, you know, those fish aren't necessarily not
14 harvested; they're not landed. And, you know, my eyes are
15 too poor to see, you know, your numbers on here, but if I
16 recall, somewhere the log books say something like 31 and
17 something like 50 if you take all the categories' discards,
18 but it's something like 31 or 34, something like that, for
19 pelagic long line. But then we also have the pooling issue,
20 which is under peer review, which estimates 151.

21 Now, reality is somewhere in between that. We
22 think that it tends toward the lower number, but, you know,

1 we don't know. Pooling is probably a very, very good
2 scientific, you know, analysis to be used on extrapolating
3 and estimating catches. We don't think that pooling, the way
4 it's currently used or being applied, takes into account the
5 extreme variability, even within an area or a quarter for the
6 pelagic long line gear. But those things, you know, can and
7 should eventually be worked out.

8 But accountability, number one, I think that's what
9 this body said back in 1999. I think it also said that each
10 category, you know, should have some access to its quota,
11 including rollovers; I think ICCAT has pretty much said that
12 same thing.

13 And when the discard issue came up at ICCAT, there
14 is also extensive discussion about what incentive would a
15 category have to reduce discards if in fact, you know, all
16 the prizes were going to be punitively stolen away from that
17 category.

18 And also, most of the groups around the table here,
19 not all the groups, because there are some new groups in the
20 fisheries, but many of the groups around the table here have
21 signed on to proposals directly trying to get to where the
22 pelagic long line fishery, that's been over restricted for

1 years and years in landing its allowed quota, can at least
2 land its quota within its quota limit. Hopefully, I think
3 it's this meeting, that the second AMPR on that issue is to
4 seriously discussed.

5 So, you know, let's not kill the fish twice. Let's
6 carefully look at the catch criteria that, you know,
7 definitely needs to be adjusted, because it has been over
8 restricted.

9 When the effort controls -- I think it's up to, you
10 know, the category, but that's all for now. Thank you.

11 A PARTICIPANT: Thank you, Nelson. I believe Pat
12 Sheeda will be giving a presentation on those (inaudible)
13 catch requirements a little later on in the meeting.

14 MR. BEIDEMAN: Will that be today? Tomorrow?

15 A PARTICIPANT: Tomorrow morning.

16 MR. BEIDEMAN: Okay.

17 A PARTICIPANT: Thank you. I agree with Nelson on
18 a lot of that. We're looking at rolling over quotas; what we
19 should be looking at are the regulations that are in place.

20 A lot of the reasons that your quotas may not be
21 being realized, like Nelson said, it doesn't mean the fish
22 aren't being caught. You go back to the angling category,

1 we've gone from a fishery that used to be allowed, you know,
2 I think it was up to two fish per person at a time, down to
3 the four fish per boat. So there's one reason there,
4 especially, you know, the party boat side where it's not
5 being caught, and it's the same thing over -- you know,
6 there's a lot of fish being caught; they're just not being
7 landed and being charged for the category.

8 I think it's the regulations themselves that have
9 to be looked at.

10 MR. McHALE: I thank you. Rich?

11 MR. RUAIS: One comment that I left off: I don't
12 think that changing the percentage shares of each category is
13 a solution to the rollover problem at all. Those were very
14 hard fought. I don't think every time you see a problem with
15 an excessive rollover, you want to entertain the battle again
16 over redistributing the total U.S. allocation.

17 So I think somewhere -- we've got to look elsewhere
18 for solutions to making a policy, as Hammer (phonetic) says,
19 to deal with the rollovers, but without thinking that we're
20 going to go back and change the percentage shares. Maybe it
21 is a cap. Again, I'll just stress, I certainly don't think
22 it can be after one year; you have to allow a category --

1 anything can happen in a single year for any fishery. I
2 think you've got to be looking at at least two years out,
3 three years out, and then beginning -- and then thinking
4 about what to do at that point.

5 MR. MCHALE: Thank you, Rich. Rom?

6 MR. WHITAKER: Yeah, Rom Whitaker, Hatteras Charter
7 Boats. But I just wanted to address a couple of issues
8 dealing with the, mostly the general category. And these
9 fish, to reiterate what Wayne Lee said, they are available to
10 us from November right on through March.

11 (End side A, tape 1.)

12 I mean, this year, due to whatever reasons, the quota wasn't
13 filled up North, and we had tremendous fishery.

14 But I feel like, and I'm referring to National
15 Standard Number Four, where conservation and management
16 measures shall not discriminate between residents of
17 different states, I do feel like North Carolina is getting
18 discriminated against. These fish, this didn't just happen
19 this year; this has happened for the last seven, six years
20 anyway, and I feel like that somehow we need to make some
21 provisions for these guys to somehow take advantage of this
22 fishery.

1 And I realize there's a big fight for every pound,
2 but at some point in time, there may be some more added to
3 the pie, and I certainly feel like that we should be
4 deserving of some of it, and I feel like we should have some
5 of it now. But it's a fishery that's there, it's been there,
6 and I would like to see us have some of it. Thank you.

7 MR. McHALE: Thank you, Rom. Bob?

8 MR. PRIDE: I forgot to mention when I made my
9 earlier comments that I will be prepared tonight to discuss
10 these recommendations that came out of the Wachapreague
11 meeting public hearing, so that's why I didn't address them
12 this morning. I don't want to take the time during the day
13 time (inaudible).

14 A PARTICIPANT: Yeah, we'll have that this evening.
15 Thank you. Does anybody else have any additional comments,
16 then, that hasn't spoken up to this point?

17 A PARTICIPANT: Go ahead and do Rich, just Rich.

18 MR. RUAIS: Yeah, I just -- I did want to make one
19 comment on the North Carolina situation. It isn't like North
20 Carolina is totally left out. Obviously the general category
21 quota is a coast wide quota, and if it's not caught up in New
22 England, you do get a crack at the fish there.

1 There's also the mud hole reserve, which was
2 intended specifically to provide fishing opportunities South,
3 after the -- well, when the fish become available to them.
4 The problem you have there is that there is a Southern
5 boundary to that reserve, and I would suggest that that's an
6 area you might want to look at, if you're looking for some
7 immediate access or relief, however you want to look at it,
8 because that quota has not been caught in recent years. The
9 fishery has just appeared in that area, and you could easily,
10 more easily, make an argument that that was designed to
11 address some concerns about southern access to general
12 category quota.

13 And then Rom, as you mentioned, we've said all
14 along as well that the time to look at what we would still
15 consider to be a new area type fishery certainly isn't as
16 historically traditional as the general category in New
17 England or the main angling category. But as more quota
18 becomes available, certainly I think we have to look.

19 We're facing this allocation battle on an
20 international level where new fisheries are developing and
21 people are making demands for quota and we're beginning to
22 realize that if we want -- if you want the process to work

1 internationally, you can't just ignore that issue, you have
2 to address it. And we were hoping last year was the year at
3 ICCAT that we were going to get some additional quota that
4 could have looked at a couple of problem areas, domestically.

5 And also we've been offering to our angling
6 category colleagues a way of working a deal, coming to an
7 accommodation, that changes the U.S. -- the distribution of
8 the quota to reflect that pattern that we have today in the
9 angling category and make some of that quota help the angling
10 category out of the 8 percent dilemma, while helping giant
11 fisheries, as well, provide a little bit more quota for giant
12 fisheries, in a trade off that I think would be biologically
13 justified and would basically be neutral, and address the
14 needs of the angling community and some of the needs that we
15 have in New England for additional giant quota to address
16 some of the issues that we have up North.

17 A PARTICIPANT: Thanks, Rich.

18 MR. McHALE: Are there any more comments from the
19 AP before I go -- yes?

20 A PARTICIPANT: (Inaudible.)

21 A PARTICIPANT: I see.

22 MR. BERKLEY: I'm here today -- Joe McBride's

1 father in law died last night, so he's on his way to Orlando
2 with his wife and he asked me to take his place. So we
3 discussed some of the issues that went on yesterday, but I
4 don't -- Rich, I don't understand what you just said. If you
5 could clarify that again, I would appreciate it.

6 MR. RUAIS: I'm sorry, Steve, what part of my
7 comment did you --

8 MR. BERKLEY: Well, you were heading towards some
9 type of exchange swap negotiation; I don't know what else to
10 call it. What was on your mind?

11 MR. RUAIS: Well, --

12 MR. BERKLEY: Assuming you don't get the quota that
13 you asked for -- by the way, I hope you know this, that at a
14 meeting we just held, we anonymously, about five states and
15 eight or nine groups, unanimously came out in favor of an
16 increase in quotas for the United States fishermen in ICCAT,
17 to 200 metric tons, which you proposed last year. So with
18 that in -- without that, what do you propose -- what was your
19 last statement regarding the present quota? I didn't quite
20 catch it.

21 MR. RUAIS: Okay, it's nothing that you haven't
22 heard before. We've sat -- you and I have sat, I've sat with

1 a lot of recreational representatives, and discussed the --
2 you know, a solution to a problem that you're facing right
3 now, which -- or you have faced, not in the 2000 fishing
4 season, but in recent years: one of the biggest inadequacies
5 that you have in your quota is the 8 percent limit, which
6 limits you to about 105 or 106 tons of quota in that school
7 fishery, the 66 pound and under.

8 And what we've been suggesting for quite a while is
9 that we -- you know, that you could be helped on that problem
10 by getting ICCAT to relax on the 8 percent rule, and in
11 exchange, providing some additional protection to the age
12 classes that the angling category in modern times is
13 apparently not using as much, primarily because a lot of
14 those mediums, small, medium, large school (inaudible) small
15 mediums, used to be caught in southern New England in the
16 general category, and today you're not accessing and using
17 that quota. So biologically you could, if you reduced the
18 quota on the small medium, you could increase the quota on
19 the school sized fish.

20 And that, of course, would require an ICCAT, at
21 least an acknowledgement by ICCAT that the U.S. is changing
22 that, but you could do it in a way that was resource neutral,

1 that added some substantial tonnage to the school size
2 category quota, reduced the quota in the large school
3 (inaudible) small medium, and even provided some additional
4 quota for the giant category.

5 The concept is, in the fresh water fisheries, I
6 think is called the slot minimum size. You hit the fish a
7 little harder when they're very small, you provide some
8 protection in the middle, and you can again hit them when
9 they're adults. And we've offered -- in fact, we've gone so
10 far as to do -- have the analysis done to show what you could
11 do in a resource-neutral way, what the numbers would be. And
12 we talked about that at a meeting at Ocean City, Maryland
13 that I travelled to, to meet with several of you all on that.

14 So that offer has been on the table for several
15 years, and just last year we tried to write it in some
16 legislation and you guys killed it. So I don't know what
17 else to say, but I know you have been supportive of it; at
18 least, I always get positive responses from you on working
19 it.

20 But when it comes time to actually making -- you
21 know, going to NMFS hand in hand and saying, here's what we
22 want to do, here's what commercial and angling category

1 groups want to do, we want to change the U.S. fishing -- or
2 we want to change the size, the quota size, distribution to
3 better reflect our modern day fishery, rather than what the
4 fishery was like in 1981 and again with the changes that were
5 made in 1991.

6 A PARTICIPANT: Nelson?

7 MR. BEIDEMAN: Yeah, a couple of things. Rom, if
8 the pelagic long line category landing criteria is revised, I
9 know it's not a full solution for the Carolinas, but the
10 Carolinas would have some access to bluefin, at least within
11 that category.

12 Steve, it's getting more and more and more
13 difficult, I believe, at ICCAT, to convince 40 other nations
14 when the U.S. goes with self serving issues. As we've
15 justifiably put ourselves, you know, and keep trying to, you
16 know, press into the eastern bluefin tuna realm, and we need
17 to, we have to continue to and it's justified, well, they're
18 doing the same thing as us. I hear more and more comments
19 from other nations at ICCAT about what we're doing or not
20 doing with western. So it gets pretty tricky.

21 A PARTICIPANT: (Inaudible.)

22 A PARTICIPANT: Yeah, further to that point, in

1 terms of the U.S. position going to ICCAT, I think Nelson
2 does bring up a good point, and we would be under a
3 significant amount of scrutiny to be able to defend a
4 proposal to change and relax in any way the 8 percent
5 tolerance.

6 That doesn't mean that you couldn't convince the
7 commissioners to pursue that position, you know, particularly
8 if we understand its resource neutrality and that sort of
9 thing. And we could develop a good case that in the right
10 context at ICCAT, when there's trading of issues and
11 negotiating going on, that that could be a successful effort.

12 The one concern I would personally have is that if
13 we're going to load up in the school size category, you know,
14 emphasize that, I've been someone who just instinctively has
15 had a real sensitivity to small fish mortality, and that
16 certainly is a prevailing policy at ICCAT and sensitivity at
17 ICCAT, although we wish they were a little more sensitive to
18 it in the East. And a great deal of our pursuit of the
19 eastern bluefin tuna conservation program has been to impose
20 greater discipline on their small fish mortality, and they
21 are way out of compliance with that.

22 So it is a little bit tricky for us to negotiate

1 increases in our own small fish mortality, at the same time
2 insisting on better discipline in the East. That doesn't
3 mean we can't do that; we've done more difficult things than
4 that at ICCAT, certainly.

5 But the thing that bothers me is this carryover
6 situation, which is maybe just a point in time, but it's --
7 it will be a glaring -- if we're -- if this is something you
8 hope to do perhaps this year in November, or even the next
9 year, it would seem what will be glaring is the fact that
10 we've got, it looks like to me, 566 tons in the angling
11 category right now, and perhaps, unless something very
12 dramatic changes this year, we're going to end up with even
13 more than that.

14 A substantial portion of that, under your proposal,
15 a very substantial proportion, I presume, would be dedicated
16 to small fish.

17 So I think if we're going to address that issue,
18 which I would be willing to look into and work with you guys
19 on that, for sure, I think it has to come with some
20 resolution of this huge pile of potential mortality of small
21 fish, which if something did -- you know, what if we had a
22 great year class that was extremely vulnerable to mid

1 Atlantic, or recreational fishing?

2 We've had situations in the past where there were
3 huge years of small fish mortality in the mid Atlantic bite,
4 and, you know, potentially putting at risk an entire year
5 class with that type of tonnage. And that's a lot of
6 individual fish, 600 tons of fish at that size.

7 So that would be my concern, is that with any
8 proposal like that has to come some rationalization of the
9 carry forward policy and something that has an automatic --
10 you know, I -- in my mind, and again, I -- you know, this
11 isn't my proposal to make and I don't have any official
12 position or anything, but it seems to me there ought to be
13 some sort of a cap on any given category that, you know, the
14 amount of fish that piles up or accumulates in any given
15 category shouldn't exceed, you know, 150 percent of 200
16 percent of whatever the original amount was so that you don't
17 end up in a situation like this, where, to me, you could do
18 serious damage to a year class if everybody focused their
19 efforts on small fish in one good summer fishery.

20 So again, I'll be glad to work with you guys to try
21 to do that, but please add this to the mix of the package
22 that you would put together. Thank you.

1 A PARTICIPANT: I wanted -- it's also the
2 (inaudible) --

3 (Interruption to tape.)

4 MR. BERKLEY: I thought the word was, the
5 International Committee for Conservation; there's the word
6 conservation in there. I don't understand this. Somebody
7 earned this overage: they didn't catch them, it's been
8 accumulating, it's there, it represents good management. Why
9 does that belong to somebody else? I don't understand it.
10 Just because it's there? We may never catch it, but it's
11 there. How can we insist on this at ICCAT for other
12 countries, tell them that they're over, they're under and --
13 but if it gets too big, we're going to cut it back? No, I
14 don't get that.

15 Secondly, I think a year from today, we'll be in
16 this room with the most unbelievable pressure on fishery
17 stocks known to man kind. There are millions now, cattle
18 that are being decimated and burned in Europe, anthrax and
19 all the other stuff, mad cow disease. So we've got to eat
20 something, and it's not going to be pasta, it's going to be
21 protein. It's going to be protein, and protein is fish.

22 So there will be tremendous pressure at ICCAT to

1 catch more, kill more, sell more, with increasing prices.

2 And the United States singularly has been the one for
3 conservation. This overage, as you call it, represents
4 conservation. We've been the good guys on the block. We may
5 never read into that.

6 And I don't understand that method of converting
7 not for sale fish into for sale fish. I'm opposed to that; a
8 lot of people are. And Glen, I'd be delighted to work with
9 you on that, but we've got some bigger problems, tinkering
10 with an overage that's piled up from -- from, not for, from,
11 good conservation.

12 MR. McHALE: Thank you, Steve. Glen?

13 MR. DELANEY: I'll answer the question that Steve
14 asked, which was, what is the conservation rationale of not
15 allowing a lot of fish to accumulate in a category? And I'll
16 repeat what I thought I said before, which was, in
17 particular, there is a sensitivity about small fish
18 mortality, and over all policy and conservation goal at ICCAT
19 is to -- maybe minimize is too strong a word, but it's not
20 far from there, small fish mortality and bluefin tuna.

21 There is an accept -- I think there's a prevailing
22 notion that there is an acceptable level of small fish

1 mortality that, in their fisheries, tends to be more a
2 product of the cultural desire to eat very small fish, and in
3 our case, the cultural desire to catch small fish for sport
4 and pleasure.

5 But in either case, we want to catch some amount of
6 small fish, but at the same time, recognize that excessive
7 fishing mortality on small fish, which is usually targeted,
8 are a single or perhaps two year classes, is biologically or
9 from a conservation perspective, a risky thing to do, and you
10 have to keep it under wraps.

11 And 566 point four tons of small fish mortality
12 would translate into, you know, 25,000 fish at a minimum.
13 That's giving you a pretty generous average size of around 50
14 pounds, and I suspect it would be a smaller average size in a
15 larger number of fish.

16 And if you took 25,000 fish out of a year class, a
17 single year class, that would be, in simple words, a very bad
18 thing to do from a conservation stand point. We depend right
19 now, in bluefin tuna conservation, in our rebuilding plan, on
20 the success of year classes. They don't come along very
21 often. We've had a few good ones recently, and we can't
22 afford to have any one of those, should another one arise,

1 get wiped out in a summer fishery.

2 So that's the biological or the conservation
3 implication, and perhaps rationale, for not allowing too many
4 fish to pile up in any small fish category. The idea of
5 having a small fish category was that it would be taken over
6 each year, and each year you would be fishing on a different
7 year class, and so that mortality would be distributed over
8 year classes instead of concentrated on one year class.

9 I hope that explains it.

10 MR. McHALE: Thank you, Glen. David?

11 MR. WILMOT: I won't repeat my earlier comments,
12 but just to play off of what Glen is saying, it's not just
13 limited to the small fish, though, Steve. I know this
14 discussion, because so much is built up in the angling
15 category that the focus is there. What Glen is saying,
16 though, is absolutely correct: there is this ecological
17 impact that could be dramatic, but it could happen in the
18 larger fish. I can tell you right now, I don't think any of
19 us want 186 point six metric tons to come out of the Gulf of
20 Mexico, of big spawners, that Nelson's long liners could
21 catch.

22 So it's not any particular class, and it's not even

1 just good years. We often think of it that way. Let's say
2 the '94, '95 year class, if it's as large as we hope it is,
3 trying to get those fish to spawners is a great goal. Think
4 of it the other way: a really poor year class that made it
5 up to sub adults and then gets hammered because there were
6 small mediums available, or large mediums available, and they
7 all get wiped out. We lose -- any way you cut it, you don't
8 want to lose year classes.

9 So this is significant. There is indeed a
10 conservation ecological aspect to this that we should all be
11 willing to address, and that's (inaudible). This is
12 important from a conservation stand point, from our
13 perspective.

14 MR. McHALE: Are there any other members of the AP
15 that have comments on either of these two issues?

16 A PARTICIPANT: To over simplify it, it seems to me
17 that the year classes that are being harvested ought to be
18 factored -- or that weren't harvested, one way or the other,
19 that are being harvested this year or that were not harvested
20 last year, ought to be factored into the consideration of
21 that rolling over, to avoid hitting the same year class
22 excessively.

1 (Interruption to tape.)

2 MR. HATAMI: My name is Vic Hatami of East Coast
3 Tuna Farms. And you're talking about conservation and
4 killing fish twice. No one's addressing the possibility or
5 the probability of aquaculture for bluefin tuna, or yellowfin
6 tuna for that matter. This is a means of taking -- this
7 gentleman said, killing fish twice; you can take one fish,
8 one dead fish and get twice as much meat out of it. All the
9 mediterranean is involved in this; our neighbors to the
10 North, Canada, has a bluefin tuna aquaculture; Japan; Chile;
11 Morocco, etc. It goes on and on.

12 Bluefin tuna is the only fish that turns from an
13 egg to 100 pounds of meat within a year. It's got a half a
14 percent a day growth rate, takes eight to nine pounds of just
15 about whatever you want to feed it that's got protein in it
16 and turns it into tuna meat, and it gives you a means of
17 controlling the market a little better. I've been in
18 Provincetown in July when medium bluefin are bringing in a
19 dollar a pound, and that's just slaughtering fish, as far as
20 I'm concerned.

21 The New England Aquarium conducted a project off of
22 Provincetown and Virginia in 1996, and both of these projects

1 showed the high mortality of catch and release. You catch a
2 fish with a hook, it's about 80 to 90 percent dead no matter
3 what you do to it. It might not be dead on the spot, but
4 within three to five days, if the hook's on the upper end of
5 the head, it's going to have optical damage, it's going to
6 have brain damage, etc., and eventually that fish is going to
7 die. So they're really not sporting events here by catching
8 and fishing and tagging fish; they're just like skeet
9 shooting, really, only with live animals.

10 That's why I feel that we really have to address --
11 I mean, we're talking about rollover quotas, by catch quotas
12 and all these different quotas. Something's got to be done
13 to address the aquaculture quota for bluefin tuna. I mean,
14 it's something we're missing the boat on. It's something
15 that's continuing to pass us by and unless something is done
16 soon --

17 I mean, you're talking about giants in the mud
18 holes? There are no more giants in the mud hole. Used to be
19 July you'd go to the mud hole up in Madersquan (phonetic) and
20 be bringing in 400, 300, 500 pound tuna fish. That hasn't
21 happened in years. I think they caught one last year; maybe
22 two years ago they caught one.

1 And that's a pretty sad state on the conservation
2 we're attempting to do, because those are really your stock
3 fish, your breeder fish, are the giants, not these -- these
4 fish that you're catching that are 100, 120 pounds, they're
5 only a year, two, three years old. From the biology that I
6 understood, and I'm, by the way, I'm an entrepreneur, not a
7 biologist, it takes a good while, five to seven years, before
8 these fish are beginning to breed, in any capacity.

9 So the bigger the fish, the more of an impact it's
10 going to have on your stock, where if you get 100 pound fish
11 in June up in the Carolinas or the Virginia, you fatten it up
12 until December, you have about a 200, 210 pound fish. You've
13 only taken 100 pounds of tuna out of the water; you've
14 converted it into 200 pounds of tuna.

15 You can control the quality of the meat by the
16 different fish you feed it. You can control the quality of
17 the color by, believe it or not, giving it squid. You can
18 control the fat content. There are countries -- Denmark has
19 developed different means of producing plankton to crill to
20 fish food. I mean, there are so many scientific advantages
21 and advances in aquaculture.

22 And I just want to say that you have -- if you have

1 anything left over, you should consider developing a quota
2 for that particular viable resource of growing fish, and like
3 I said, just doubling the weight of one fish into two fish
4 without taking any more fish out of -- which is what I
5 understand -- I mean, all you're talking about is yanking
6 fish out of the water. Great, but what about doing something
7 with that fish you yanks out? What about making it more
8 fish? Instead of one set amount, you can really increase the
9 amount of meat, which is what the objective is, I would
10 imagine. Thank you.

11 A PARTICIPANT: Okay.

12 A PARTICIPANT: What is this gentleman's name
13 again?

14 MR. HATAMI: My name is Victor Hatami, H-a-t-a-m-i.

15 A PARTICIPANT: (Inaudible.) Thank you, Mr.
16 Hatami. Interesting presentation. Just a quick couple of
17 reflections on my part. One is that development of
18 aquaculture for fisheries has been an ongoing difficult
19 project, but it is now one of the integral goals of the
20 Bureau of Sustainable Fisheries and office of (inaudible)
21 fisheries to promote, and they've devoted resources to trying
22 to handle that.

1 Our fishery, FMP, the various stages -- and has
2 acknowledged we recognize the potential for aquaculture and
3 we've been struggling, as you know, you and I have talked, to
4 try to carve out a way to make regulations, address our
5 permits. It's, for want of a better word, foreign territory
6 to us. We aren't familiar with it. We understand these
7 quota issues, as you can see, are fought over tooth and nail
8 to the last fish. There are other administrative issues
9 which we run into.

10 So we appreciate you coming here and we look
11 forward to working with you to try to work through some of
12 those issues.

13 Again, the climate right now, as far as I can tell,
14 has been very positive and very favorable towards
15 aquaculture; just a lot of questions remain. So we'll need
16 your assistance and spirit to help guide us through that.
17 Thank you. Thank you.

18 It looks like we have a couple of AP members who
19 want to now participate. Is it on this discussion? Then if
20 you don't mind, I'd like to go back to you, then, to the AP,
21 and then we'll go back to the public. So Nelson, Pat and
22 then Steve, and (inaudible) and Mau, all of you. Okay.

1 MR. BEIDEMAN: (Inaudible.) I guess I'll turn this
2 on, to ask Mr. Hatami, what would be a minimal amount that
3 would be necessary to even try an aquaculture project in the
4 U.S.?

5 MR. HATAMI: I've got to imagine, to make it
6 financially feasible -- I think when I wrote to National
7 Marine Fisheries, it was about a 12 to 15 ton quota. It's
8 nothing, nothing compared to (inaudible) quotas that you're
9 dealing with here, maybe 20 -- because it's got to be
10 something that, if it does work out, it's going to be
11 obviously financially feasible. There's no sense in -- I
12 mean, you're talking cages; each cage is about \$50,000.
13 You're talking feeding these fish; it's --

14 A PARTICIPANT: Victor, could you speak into the
15 mike so we can just get it for the tape as well?

16 MR. HATAMI: (Inaudible.) Yeah.

17 A PARTICIPANT: Thank you.

18 MR. HATAMI: I mentioned before, about a 15 ton
19 quota is what it would need to at least seed fish, money,
20 whatever you want to call it, to get the project at least
21 feasible to get started, because there's a large amount of
22 investment involved here, just like you're buying a big boat.

1 It's a lot of money involved in setting up an aquaculture,
2 off shore -- the cages, the insurance, the fees, the divers,
3 the work, etc. It's not just as simple as catching them, I'm
4 afraid. Thank you.

5 A PARTICIPANT: I have a question for Mr. Hatami.
6 I wondered if this is already market available, or if it is,
7 where, and if people have asked if there -- have said that
8 there's a different in the taste and texture, as there is in
9 the farm raised from wild salmon or what.

10 A PARTICIPANT: Are you talking about here in the
11 U.S.?

12 A PARTICIPANT: Yeah.

13 A PARTICIPANT: We have no idea; we haven't done
14 it.

15 A PARTICIPANT: Thank you.

16 MR. HATAMI: That's right, we have to do it. It's
17 marketable everywhere else in the world; I don't know why it
18 wouldn't be here.

19 A PARTICIPANT: It's wide in the European
20 countries.

21 MR. HATAMI: Yes, it's quite marketable, but it's
22 not marketable here because we haven't done it yet. And

1 that's why I'm here, to make sure we get the ball rolling on
2 this.

3 A PARTICIPANT: (Inaudible.) Thank you.

4 A PARTICIPANT: I've been to Ashikaga and Kushimoto
5 (phonetic) and seen the prototypes of, and the successful --
6 the units that Japan has done, as far as breeding and holding
7 and getting a biomass, as well as raising them for food, in
8 bluefin and yellowfin tunas. It took them over 12 years to
9 get a successful spawn, although when they got to spawn, they
10 all died.

11 A, you need a site; and B, you need the capital; C
12 -- I think Rich introduced me to a fellow last year in Spain
13 that was successfully doing it, wasn't he, Rich, in the
14 Southern Spain? Yeah, there's the book.

15 However, and I'm all for this, we have to restock
16 the oceans and feed ourselves, I am not in favor of your
17 statement, which as been disproved so many times, about the
18 small fish mortality. When Sebastian Bell put these fish in
19 the Boston aquarium, he put them in an oblong tank instead of
20 a round one, and they crashed into the side walls and died,
21 and he blamed it on the mortality of hooks. That is not
22 true. It never was true. I myself have released fish that

1 have been 20 pounds that have been recaptured in the Bay of
2 Biscayne, and basically it's one of the fundamental programs
3 of the one stock theory versus two.

4 So I enjoy your presentation, but for the future,
5 will you refrain from blaming mortality on that basis?

6 MR. HATAMI: The mortality isn't really affected by
7 that --

8 A PARTICIPANT: Well, just don't say it anymore,
9 because it's not true. It's been disproved 120 times.

10 MR. HATAMI: I'm going by the data from the New
11 England aquarium (Inaudible).

12 A PARTICIPANT: No, you're not. Well, it's flawed.

13 MR. HATAMI: Well --

14 A PARTICIPANT: And it was flawed, and Bell --

15 MR. HATAMI: I have the (inaudible).

16 A PARTICIPANT: -- Bell was discharged over it, so
17 don't use it anymore. It's not true.

18 A PARTICIPANT: (Inaudible.)

19 A PARTICIPANT: Glen?

20 MR. DELANEY: Yeah, I'll ramble a little bit here.

21 First of all, I'd like to see in the United States, somebody
22 peruse a venture to pen raise some fish, but I think we need

1 to understand what we're talking about.

2 What Steve is talking about in Japan was an
3 unsuccessful, and I think now defunct, effort to literally
4 collect larvae or -- and stock the ocean with bluefin tuna,
5 as opposed to, in the extensive business now in the
6 Mediterranean, I'm sure involving quite a few Spaniards and
7 Italians and perhaps others over on the other side, on the
8 African, North African side, as well. And that's basically
9 taking fish out of the ocean at various sizes, putting them
10 in a pen, feeding them, fattening them, growing them, and
11 then playing the market.

12 You'll see, if you eat sushi a lot, pen raised
13 bluefin torro in sushi markets right now at a time when
14 normally we wouldn't have a lot of that on our market.

15 Pat's question, my good friend Masamia Harab
16 (phonetic), who is a Japanese representative, thinks there's
17 a huge difference between the taste and texture of pen raised
18 fish, as opposed to wild fish, although Rich and I have been
19 doing a sampling as often as we can, and we haven't found a
20 lot of difference so far, but we're not Japanese.

21 But getting back to something more serious, the
22 huge growth in the pen raising in the Mediterranean has

1 caused a management issue that I wanted to bring to your
2 guys' attention, NMFS people, which is, essentially it's
3 created a black hole.

4 We have -- a black hole of accountability. We
5 don't know, and we can't account for, how many fish are in
6 those pens, who caught them, what size they were when they
7 went into the pens, although we do know what size are being
8 put onto the market. And if you can imagine in the hands of
9 the wrong people, meaning the Spanish and the Italians, that
10 type of situation could be abused, and I suspect is being
11 abused.

12 And so I think a number of us, including the
13 Japanese, are quite concerned that ICCAT press for some
14 revisions. I guess where it would have to be is somewhere in
15 the context of the bluefin statistical document program, to
16 somehow set a policy and then a procedure for counting the
17 size of these fish.

18 Personally, I think what is relevant, I guess, is
19 what is the size of the fish, the tonnage of the fish, when
20 it comes out of the ocean, out of the wild resource, because
21 that's the impact on the stock, but I'm open to anything.
22 But we're going to need your guys' thoughts and help to

1 develop, both with respect to ICCAT, as well as internally,
2 how would be the best way to deal with that situation.

3 I'd like to see somebody try to do it in the United
4 States. We don't have the advantage of year round water
5 temperatures that they do in the Mediterranean, so it's going
6 to be a different challenge, at least in the Northeast, but
7 it should be explored. So it's going -- I guess my point is,
8 it's going to have to have the proper management structure
9 around it for accountability.

10 A PARTICIPANT: Thank you, Glen. Mau?

11 DR. CLAVERIE: Yeah, I'm worried about what is
12 going to be fed to these fish. If you're going to take some
13 of my redfish and feed them to bluefin tuna, I ain't going to
14 be happy.

15 MR. HATAMI: Well, that gives the best color.

16 DR. CLAVERIE: Right. But also, it sounds like
17 it's a great thing to do, is to take a 100-pound fish, grow
18 it up to a 200-pound fish or 300, whatever you want, before
19 you sell it. But you're feeding that fish, presumably, fish
20 which, if that fish wasn't in a cage, would be the fish it
21 would be eating in the wild. Which means that you're not
22 really taking a 100-pound fish and growing it to a 200-pound

1 fish for free, so to speak, as far as the ecology is
2 concerned.

3 So there is a little bit of a down side there, but
4 to be able to play the market and get a better price for the
5 same amount of fish is not a bad idea. I mean, that's got
6 socioeconomics involved, too. But I'd be very concerned
7 about what obtaining food for these fish would do to the
8 local area, as well as the total population.

9 And I'm just amazed, if they can't count fish in a
10 cage, how do we expect to count them in the ocean? Did I
11 hear Glen say that, that they don't know how many fish are in
12 a cage?

13 A PARTICIPANT: Well, the guys in the business know
14 how many fish are in the cage.

15 DR. CLAVERIE: Okay.

16 A PARTICIPANT: (Inaudible.)

17 DR. CLAVERIE: Okay.

18 A PARTICIPANT: (Inaudible) caught them at 10
19 pounds.

20 DR. CLAVERIE: Okay. All right.

21 A PARTICIPANT: And then there's also, we have
22 French catching fish, putting them in Spanish cages being

1 sold in Japan. So it's a little (inaudible) --

2 DR. CLAVERIE: Well, maybe we can feed these tuna
3 mad cow cows instead of burning the cows.

4 A PARTICIPANT: It's an accounting challenge.

5 DR. CLAVERIE: But what do you call that? I mean,
6 it's the predator-prey relationship, usually, but this is --
7 where do you get the food to feed these fish and what effect
8 will that have on the local area? In other words, when those
9 tuna leave wherever they're going to be kept in a cage, I
10 assume that they're not going to go out and get food for
11 these fish way far away; they're going to get them locally,
12 whether it be frozen or what, I don't know. But that needs
13 to be examined as part of one of your factors.

14 A PARTICIPANT: Thank you all. I tell you what I
15 need to do, if you don't mind -- thank you for all of this.
16 The questions you're raised, Glen, about the administration
17 are actually close to my heart. They are the problems of
18 accounting for these fish. They are difficult. It's a
19 challenge which I want to just be able to overcome. On the
20 surface of it, it just sounds like bureaucracy, but it's
21 become critically important.

22 And the issue about all these wonderful side issues

1 about feed, there are ripple effects to that. All of a
2 sudden you get protected resources and habitat very concerned
3 about the effects of that feed, from the bottom. So
4 complicated issue, and -- but I think it's worth just pushing
5 on and pushing envelop.

6 Mau, (inaudible).

7 DR. CLAVERIE: Administratively, do you handle this
8 with a separate FMP or with an inclusion in this species FMP?
9 That's a good thing for you all to decide.

10 A PARTICIPANT: That's a great thing for us to
11 decide, with your help. In fact, I'm glad Mr. Hatami came to
12 present this, because this is, I think, one of those big
13 enough issues, exciting enough issues, that if we were to try
14 to address, it would have to be included in the FMP. And
15 that would be the kind of thing we would do with you. So
16 maybe that can be food for thought.

17 At this point, you need to feed yourselves. I know
18 there are a couple of folks at the back who have questions.
19 I'm going to ask you if it's on bluefin, if you don't mind,
20 to defer to tonight and we get a public hearing. There are
21 going to be quotas.

22 What I'd like to do now, just in order to keep on

1 schedule, and it's -- we're supposed to have a break for
2 about 10 minutes. Ten minutes; that will get us to 10 past
3 10:00. Gail, quick question?

4 MS. JOHNSON: Yeah, Gail Johnson. Yesterday we
5 didn't get to the recreational swordfish fishery, and I just
6 need to know when we will address that, it will be under the
7 log book reporting or what, because we need to get back to
8 that.

9 A PARTICIPANT: We can try -- that's my shtick, so
10 I'll try to get that in there somehow. I'm sure you'll
11 remind me. Rich? David?

12 MR. RUAIS: I was going to say, I'd support a five
13 minute break if you wanted to provide five minutes to the
14 three people that wanted to speak quickly.

15 A PARTICIPANT: Okay, David?

16 MR. WILMOT: I hate to raise an agenda item this
17 late into the meeting; we're already falling behind, but I
18 didn't receive the safe report until yesterday, and in
19 looking through it, it has this wonderful sentence. It says
20 that the advisory panel provides the next meeting, provides
21 an excellent opportunity to identify and discuss those issues
22 raised in the safe report which require further action.

1 We don't even have the safe report on the agenda.
2 A couple of the things on the agenda, of course, are in the
3 safe report. Is there any way, during the break, that you
4 could take a look at the agenda over the next day and a half
5 and see if there's any time that we can talk about this and
6 not at the end of the meeting tomorrow, when everybody is,
7 I'm sure, going to be out of here after 12 o'clock tomorrow?

8 I just -- I don't know where to go with it, other than to
9 say, there are things in here you need our advice on.

10 A PARTICIPANT: (Inaudible.)

11 MR. MCHALE: Regarding some of that -- well, again,
12 Chapter 10 is the framework for this meeting. Chris has a
13 couple of times mentioned that we are entertaining other
14 issues at the end. This is turning into quite a break. Glen
15 and then Nelson.

16 MR. DELANEY: (Inaudible.)

17 A PARTICIPANT: Five minute break? (Inaudible.)

18 Can we -- all right, then I --

19 A PARTICIPANT: Why don't we take a quick break and
20 then (inaudible) 15 minutes (inaudible).

21 A PARTICIPANT: All right, let's do the break
22 first, then 15 minutes for the two people, just Chip and

1 Jonathan. Take a break.

2 (Interruption to tape.)

3 A PARTICIPANT: -- the earlier presentation?

4 A PARTICIPANT: Thanks a lot.

5 A PARTICIPANT: That will be Jonathan Mahew and
6 then Chip Borgay (phonetic), Charles Borgay, and then we're
7 going to switch gears to the next presentation, which is on
8 log books, which I'm going to give. And again, this is part
9 of that chapter ten. A couple of comments after the --
10 during that session, in terms of outline, the course of this
11 agenda is to follow that chapter ten. Those are the issues,
12 David Wilmot asked, where we're looking for AP advice;
13 someone else, Nelson, asked, how are we going to keep on
14 track. Those (inaudible) are the issues that we're trying to
15 keep on track.

16 So there's ongoing concern about the issues that
17 we're addressing and agenda items; please talk to Chris and
18 he can navigate you through our intentions over the next few
19 days.

20 Thank you. Jonathan?

21 Oh, and again, I'm sorry, I need a reminder:
22 please when you make your presentations, talk clearly into

1 the microphone, starting with your name, for our recording
2 purposes. Thank you.

3 MR. MAHEW: There we go. My name is Jonathan
4 Mahew, commercial fisherman from Massachusetts. I'd like to
5 comment about what I heard, a while ago now, and it had to do
6 with basically the allocation of the giant bluefin tuna for
7 commercial selling of fish.

8 And actually, my hat's off to the gentleman from,
9 commercial fisherman, from North Carolina, because I have
10 walked a mile in your shoes, in a sense, because I'm also a
11 summer flounder fisherman.

12 And I've been heavily penalized because I am from
13 Massachusetts, and although I'm third generation draggerman,
14 because of certain qualifying years, Massachusetts got 7
15 percent. So I had the pleasure, on occasion, of watching the
16 fellow next to me, at one point being allowed to catch 20,000
17 pounds of summer flounder, while I was allowed to catch 500,
18 and I had to throw the rest away. I didn't stop fishing.

19 So to watch another commercial fisherman make it
20 because of his -- the lucky draw of the location, I find this
21 very wrong.

22 And there is another issue that was -- comment that

1 was made, and it was the head of an association that said, I
2 ask Nelson Beideman, head of another association, for extra
3 tonnage every year, and sometimes he gives it to me and
4 sometimes he doesn't.

5 I have a real problem with ownership. I think the
6 ownership -- we all own the fish. The whole country owns the
7 fish. And I think it's high time that we look and evaluate
8 how we are divvying these fish.

9 Just because North Carolina -- there's no
10 biological reason; it's not a spawning area. And if it was a
11 spawning area, I could see, keep it closed; you know, there
12 would be very viable reasons. But the term, no new fishery,
13 I don't think should be used to discriminate against an area.

14 And a no new fishery to me would be (inaudible)
15 midwater pelagic (inaudible) trawling. That's fishery that
16 doesn't -- at one point started on swordfish and was stopped.

17 As a new fishery, we recognize that. It could have been
18 done for giant bluefin tuna; it hasn't been done. That's a
19 new fishery.

20 But these guys in North Carolina are using the same
21 methods, and they have as much right to these fish because
22 they're United States citizens as I do. And I think it's

1 high time that we look at it.

2 And I think it's time to -- I was saying before, in
3 the giant bluefin tuna fishery that -- in the general
4 category and harpoon category, that there be a recreational
5 ability to sell, and commercial ability to sell, with
6 qualifiers to qualify the commercial fishermen. But I
7 recognize that some people have a problem with that, so maybe
8 the term should be, part time commercial fishermen, giant
9 bluefin tuna fishermen, and full time commercial giant
10 bluefin tuna fishermen.

11 But this divvying up, I think, is very unfair and I
12 recognize now that when you get to the table, you don't
13 always get to (inaudible). And I think it's very wrong, and
14 I hope that you re-evaluate this whole situation and make it
15 much more equitable for all. Thank you.

16 MR. McHALE: Thank you, Jonathan. Chip Borgay?

17 MR. BORGAY: Thank you. My name is Chip Borgay.
18 I'm director of -- co-director of the Traditional Harpooners'
19 Association of New England, and we represent fishermen from
20 Florida to Maine. My first comment would be on the days off
21 issue. If we could start with an open seven day week, and
22 then have a trigger, with the sub quotas -- I believe we're

1 on monthly sub quotas now, Mark, two break\offs during the
2 season for total tonnage that would trigger a shut down, with
3 an interim allotment of fish that would trigger a two day
4 closure per week until the time period.

5 It ended -- Joey Jackwoods and I are going to put
6 that proposal together for the public hearing process that's
7 going to take place. But something like that, and back
8 loaded instead of front loaded with days off, that would be,
9 I think acceptable to NMFS' program, and also to the
10 fishermen's program, because the fishermen recognize that
11 when you do have an accelerated catch rate that days off
12 become necessary, but not necessarily necessary.

13 And as far as the carryover is concerned, again,
14 Joe and I will, and Peter, put a proposal together there, but
15 basically what we're thinking about is to retroactively,
16 sometimes you have to go backwards to go forwards, go back to
17 '91 and some variation of the regulations that we used up
18 until '91, until we had that tremendous shake up in the way
19 that the quota was broken down for the industry. So we'd
20 like to present that also. And I thank you.

21 A PARTICIPANT: Thank you, Chip. Okay, thank you.
22 The next subject, before we break for lunch, is HMS vessel

1 log books, and I'm going to give a presentation on that.

2 (Interruption to tape.)

3 MR. ROGERS: -- as a means of introduction to our
4 next topic, similar to our discussion yesterday with observer
5 programs, we do have the authority established in the FMP for
6 log books. So as any vessel can be selected for observer
7 coverage, so can any vessel be selected for log book
8 coverage.

9 And we did make a commitment to examine log book
10 programs on a continuing basis, as one source of data
11 collection. Obviously there were many sources of data
12 collection on all the fishery segments, whether they be
13 independent, third party observers on vessels or dock side,
14 telephone surveys, those kind of things, or log books.

15 We need to carefully plan these various information
16 collections programs so that we get what we need on a timely
17 basis, in a form that we can use it and apply it and not be
18 concerned about whether samples are representative or not
19 representative, how we extrapolate, a lot of issues like the
20 same statistical issues that we would face in the log book
21 program that we do face in the observer situation.

22 So that's what Mark will be presenting today, is

1 basically where we are with respect to log books, where we
2 need to go and to get some advice from the panel on ways to
3 enhance our log book program, that would not be duplicative
4 or excessive in our efficient -- cost-effective.

5 MR. SAMPSON: Thank you, Chris. Again, my name is
6 Mark Sampson. I'm (inaudible) Massachusetts. I work for
7 (inaudible) tuna (inaudible), who (inaudible) today
8 (inaudible) with all of the (inaudible).

9 A PARTICIPANT: I think you better use that mike.

10 MR. SAMPSON: Today, what I'm going to talk about,
11 I'm going to go through a few slides, talking about vessel
12 log books. As Chris said, I was pleased to see and hear sort
13 of the general level of discussion yesterday, by concerns
14 about data. You have no idea how important this is to us.
15 When we write our FMPs, when we write our regulations, how
16 thirsty we are for the best information available.

17 A lot of that data comes from you; it's fishery
18 dependent information. It impacts everything we do, our
19 regulations to do with self protection, to socio-economic
20 costs. And certain areas we're data rich, but many areas
21 we're data poor, and particularly in the socio-economic
22 environment.

1 I'm going to be talking about this one slice of
2 data that we try to collect, the log books. Again, you heard
3 a lot of discussion about observer data, concerns about that;
4 fishery independence assessments. This is a fishery
5 dependent information that comes from you.

6 Those of you who have run boats are well familiar
7 with this; those of you that aren't, we are looking for your
8 input on how to basically generate an HMS local program that
9 meets our needs and works for you. And these results --
10 again, I can't emphasize enough, how we use this information
11 on a day to day basis. It impacts everything we do with our
12 regulations and our assessments.

13 I'll be talking quickly about the purposes and uses
14 of log books. I'll talk about our current HMS local program.
15 I'll talk a little bit about the HMS FMP requirements that -
16 - and try to get this ball rolling.

17 And again, it would be a manifestation of why this
18 AP is important, because again, these issues are addressed in
19 the FMP. We think some of this implementation can be done
20 without further adjustments to the FMP, but we're looking to
21 hear from you on this.

22 We've got a few options that I'm going to present

1 to you, and that's where I want to focus the discussion at
2 the end of the presentation.

3 The purposes and uses of log books are many. I had
4 mentioned at the beginning how we collect information, not
5 just on fish that are landed but also recently on fish that
6 are discarded; it's become a huge, hot topic for us, bycatch.
7 And not just fish, but protected resources information, as
8 well.

9 We collect information on the vessel itself, its
10 size, it's length, it's characteristics. And we've been
11 using it recently to collect information about the fishery,
12 the cost -- socioeconomic information. Cost data has become
13 a huge issue to start balancing the books. We understand a
14 little bit about gross revenues, but in order to start
15 talking about net revenues, we have to understand more about
16 costs.

17 The data is used often in stock assessments, which
18 are used, as you've heard at ICCAT, that's used for -- in
19 many ways to get you the quota. We often use log book
20 information for quota monitoring, and actually tallying and
21 doing in season adjustments, and we've also used it, as I
22 said, for regulatory impact analysis and a lot of those

1 documents that are used to defend our regulations when we
2 have a mandate for regulatory (inaudible).

3 In the Northeast, there's a -- it's a real hot bed
4 right now, with the fishermen themselves coming to the
5 government, coming to the table, saying listen, we've got all
6 this information that we see from day to day, and you're not
7 using it. We're recording it, we've got our own platforms;
8 we want you to use our data. It's a genuine desire, I think,
9 to participate in the process. And the current system could
10 be adapted, or suggesting ways to adapt the system so that
11 data can be used.

12 Scientists, traditionally have favored these
13 rigorous, independent assessments that are strictly designed
14 for the methodology to get the results they're looking for.
15 There are ways that the scientists realize and recognize that
16 the fishery-dependent information can be used, as well.
17 Concerns have to do with reliability, accuracy, consistency,
18 and there may be a way that these two approaches can come
19 together.

20 And finally, we need the data, as I said in the
21 beginning, for all of our regulatory (inaudible) and our FMP
22 development. A lot of it Karyl Brewster-Geisz, Pat Sheeda,

1 as you know, they're routinely accessing these log book data
2 bases that are located -- to cull out the information that we
3 need for our analyses.

4 What you may or may not realize is that the HMS
5 program --

6 (End side A, tape 2.)

7 -- our division, does not actually have its own log book
8 program; we piggy back other programs. We rely on the
9 Southeast Fishery Science Center, the SEFC pelagic long line
10 vessel log books; Nelson's group's well familiar with that,
11 and on the Southeast Fishery Reef Shark book log book; it's a
12 longer name. It's (inaudible) grouper reef sharks; a lot of
13 shark data comes from that. And up in the Northeast, the
14 vessel trip reports that are required to be submitted by
15 vessels in the Northeast that have Northeast permits, also
16 would submit HMS data.

17 There are other data bases out there. There are
18 other forms of data collected. My point is that there are
19 all these disparate forms of data collected, there are a lot
20 out there, geographically different formats, different
21 (inaudible), and they're not uniquely designed for our HMS
22 (inaudible).

1 I'm quickly going to show you an example, a couple
2 of examples, of what I'm talking about on these -- what these
3 log books look like. I'm not going to go into this in
4 detail, and it's not even focused. I touch this at my peril,
5 so I'm not going to.

6 But up in the top here there are some boxes. This
7 is the vessel fishing trip report, up in the Northeast. This
8 top set of rows is simple information on the vessel itself,
9 it's name and its characteristics. This information in the
10 middle is information about the trip itself: the longitude
11 and latitude, the chart area it's fishing in, information
12 about the gear type. And then the major section down in here
13 is information about the species that were caught and landed,
14 and in this row, these columns are fish discarded. That's
15 the Northeast log book.

16 Here's the Southeast log book. It's more
17 complicated. The same features up in the top to do with the
18 kind of gear, vessel. Interesting difference here, in terms
19 of the information they're looking for, it's broken up by
20 species. This section here is about tunas; there are some of
21 the other species, the marlins; over here are the sharks,
22 coastal and pelagic. Just a different way of doing it, but

1 it's all going by the species.

2 Last I'm presenting this one. I don't know where
3 this came from. It's a charter boat log so it was available
4 to our office a while ago, and it's tailored to the charter
5 head boat. This is also broken -- this actually lists all
6 the HMS species, starting with the tuna, goes through some
7 mackerels, dolphin and the sharks (inaudible). Specifically,
8 this is organizing the data by the number that were kept by
9 trolling, versus trawling and other methods.

10 It's giving a quick (inaudible) on the kinds of
11 data that we look for in the book.

12 (Inaudible.) As I said, there isn't currently an
13 HMS program, but what we do have is this disparate
14 recognition that the different sectors that we work with
15 already reporting, but in different amounts, in a different -
16 - in different ratios.

17 Currently, all commercial shark, swordfish and tuna
18 long line permit holders are required to report, and they do,
19 primarily using that Southeast log book, one of those two log
20 books I showed you.

21 Other vessel categories that we have, and these are
22 all the different categories, are reporting, or may be

1 reporting, through other programs. Charter head boats, about
2 under half of them, we calculate, are already reporting
3 (inaudible) program. Harpoon category, about half of them.
4 Purse seine, it's most of them. The tuna recreational
5 fishery, only very small amounts, 100 out of 15,000. General
6 category, tuna is about 1,500 out of 7,000, and the trap
7 fishery, most of them.

8 This gives you a sense, I hope, of how many people
9 are already reporting under these different log books, and
10 also a sense of which gaps there may be, in terms of if you
11 tried to get different questions about what kind of
12 (inaudible) you'd need, and a little bit about the
13 discrepancy, perhaps, some (inaudible).

14 What this leaves us with is recognition, as we
15 collect our data and we do our analyses, that we're dealing
16 with uneven coverage of the different sectors. And that may
17 bias or it may tend us to over examine one area of the -- to
18 the loss of another.

19 It also requires us to do an awful lot of internal
20 administrative work, probably invisible to you and probably
21 you don't care much, but what it does mean is that our
22 analyses frequently are time consuming, laborious; it means

1 that we're difficult to do quick, prompt actions, especially
2 if we can't get a hold of accurate data. And it's up to us
3 to try to reconcile it.

4 And finally, some of that data may not actually
5 meet our needs, particularly cost information I mentioned,
6 the way it will be collected. One of those log books didn't
7 (inaudible) discard information (inaudible) information on
8 fish landed. So the different books have different utilities
9 and different (inaudible).

10 Our HMS FMP tried to address this. There's a
11 section in there that talks about administration, record
12 keeping and reporting, and we talked about it in there, about
13 our goals to try to address these gaps and increase the
14 amount of data that we were collecting, and the uses that we
15 would apply that data to.

16 Our desire is to create a comprehensive,
17 coordinated data base. You don't have to keep going to
18 different places. We would like to improve the scientists'
19 confidence in the data log books so that the actual
20 scientists in the science center in Woods Hole feel
21 comfortable and confident going into that data and pulling
22 out information and reconciling it with their own work.

1 The last two is where I really want to hear a lot
2 from you. These books, they take effort -- they allow --
3 they take effort -- it takes care to fill them up properly,
4 and we're aware that there's an awful lot of paper work out
5 there. If we're -- when I get to the options, we're dead on
6 in trying to determine what kind of level of effort is
7 involved already, and ways to minimize that, rather than
8 duplicate it, and we would like to use those existing
9 programs wherever necessary.

10 Our current regulations in the -- currently in --
11 the implementing regulations do give us the authority to go
12 to anyone in the HMS sectors, in the fleets and select you.
13 And if we select you, you are required to do mandatory
14 reporting.

15 These cover the different sectors of the fleet
16 (inaudible) most charter head boats, any Atlantic tuna vessel
17 and commercial shark or swordfish. What the log book would
18 look like is the subject of this conversation, and what kind
19 of reporting it would be targeting.

20 At the same time, we're looking -- it's a small
21 provision, but it's important, this business about asking for
22 vessel dealer weigh out slips. On commercial trips when the

1 transaction (inaudible) provides a weigh out, provides us a
2 way to reconcile and verify and grind through some of the
3 data that we're collecting.

4 Our goals, that have been provided in the FMP,
5 broad picture: continue selecting 100 percent of commercial
6 shark and swordfish vessels. That's already the way it is.
7 That's the status quo. Our goal is to get all of the charter
8 head boat vessels, 100 percent, and then 10 percent of all
9 the other tuna vessels. That's the charter head boat -- I'm
10 sorry, that's the general category, angling, purse seiners,
11 harpoon, trap; 10 percent. How do we select the 10 percent?
12 Which 10 percent?

13 So last, I'm going to go into the options that we
14 talked about, to internally try to address this. And this is
15 -- I'm going to go through each one of these and we'll see
16 how the discussion goes. Maybe we could go through each
17 option; you could just do a general presentation. We'll see
18 how it goes.

19 I'm going to talk about the status quo to start
20 with, the existing program, and how we may be able to expand
21 it; going to talk about a brand new log book program, just
22 creating a whole new program; and finally I want to touch on

1 some ideas that we did hear yesterday, some enthusiasm for a
2 whole new world of electronic reporting and what that may or
3 may not entail.

4 So the first option -- I'm breaking these out the
5 same way that Brad did, pros and cons, just to give you a
6 flavor of the kinds of ideas we've been thinking about to use
7 the existing program and to expand it.

8 I identified some vessels that are already
9 selected. This would mean taking one of our existing books
10 and distributing it to the additional folks that aren't
11 currently reporting. It would give us greater coverage of
12 HMS vessels. It would avoid duplication; we'd only be going
13 to those vessels that don't already report. And we're hoping
14 that by using an existing book and going to people that
15 aren't reporting it, it would be a minimum burden on those
16 folks. I want to hear back on that.

17 The issue for us is that we are still stuck with
18 the same dilemma of having these different books going to
19 different places and different data bases. And we may not be
20 collecting all the data we need; we may just be repeating the
21 same past mistakes from the old books.

22 Second option is kind of the other end of the

1 gamut: it's just, say the heck with the existing status quo;
2 we're going burn it down and rebuild it, and start with a
3 whole new program. In a whole new program, you get a brand
4 new looking book, brand new data sets, and we would just go
5 ahead and start distributing it to the folks and try to --
6 and they may or may not already be reporting.

7 We'd be able to target folks, different fishing
8 vessel communities, and (inaudible) into the fishery exactly
9 to our needs, and we'd be able to design this book
10 specifically with you and the scientists, to get exactly the
11 data we want and we think we should have. It would just be a
12 redesign.

13 Our concern is that it would be duplicative with
14 the existing programs. It's quite possible fishermen would
15 already have one book reporting and then have another book
16 asking for essentially identical information. It would be
17 burdensome to -- it could be burdensome to the fishers and it
18 would be difficult for us to administer. This is how we've
19 got to deal with reconciling not just different data bases
20 but multiple data bases and the whole additional data base.

21 And last, our HMS office, for its sins and for its
22 benefits, has been able to test and push the frontiers on a

1 lot of different electronic and -- some of the new electronic
2 environments that are out there. A lot of you have
3 experienced the new -- the growing that we've done with the
4 tuna permit system and which is not done to a web based
5 system. We've heard a lot of positive comments on that.

6 We do, as a lot of bluefin tuna dealers are now
7 familiar with the fax optical character recognition system,
8 there may be a way to build on this experience and develop --
9 I'm going to be vague, here. I've got some ideas of what I'm
10 talking about: an electronic program.

11 It could be -- and I'll just give you some
12 examples: a console on your -- it could be a box on your
13 console where you type in data. It could be a computer, back
14 of the docker in your home, where you type in data onto the
15 web. It could be a touch tone phone where you dial it
16 straight into the data base. IT could be something hooked up
17 to the VMS and DPS (phonetic) and back to the data link.

18 There's a lot -- there's an awful lot of toys and
19 ways to deal with this.

20 A PARTICIPANT: Have you started -- have you
21 actually started developing any, yet?

22 MR. SAMPSON: Yeah, well, let me finish and -- no.

1 On the West coast, the agency has; the Northwest region has
2 started (inaudible) accounting log books and there are some
3 dealers in the -- actually up in Maine that has a successful
4 lobster fishery that is dealing with account log books. I
5 can talk more about that.

6 Let me just run through the options. What we
7 prefer -- hoping is that this kind of system can provide more
8 timely and efficient -- be more timely and efficient, little
9 buzz words (inaudible) electronic transmission of that media.

10 We're hoping that it can alleviate burden: you're not
11 typing out forms. It would lower administrative costs.
12 We've witnessed this with the permitting program (inaudible).

13 There's always an initial hurdle and growing -- (inaudible)
14 growing pains, and then a are rapid drop off.

15 And it starts with -- you put into the development,
16 you know, after you have an operational system, can be
17 unleased (inaudible) on other projects.

18 And I'm hoping, and this has been -- when this --
19 the scientists themselves will have more confidence with
20 this. There's something about a data base that's
21 electronically created and the confidence in its accuracy,
22 which may start meeting that goal (inaudible) about more

1 fishery in the scientific concerns.

2 The cons -- the way I see it, it's just a brave new
3 world, and we're not sure what this is going to cost and
4 entail. There are folks out there who say it's not that
5 difficult, it's pretty straight forward: availability -- the
6 technology is there. We (inaudible) just has to get going
7 and embrace it.

8 I hear a lot of fishermen who from both sides of
9 this. They use -- they dial (inaudible) office rotary phones
10 and they don't have -- they don't even know what email is.
11 So they'd be excluded. Others, technology is second nature
12 to them.

13 So that's a quick snatch out of the log book
14 presentation. What I'd like to do is entertain questions.
15 Some of the specific questions, as well as just discussing
16 those options, your thoughts and feelings and getting some
17 feedback on that. I've got some specific questions about
18 some areas I just touched on: the gaps in the data; how big
19 a deal is that? Are those gaps or is that our own
20 impression? Have you witnessed some of our actions, in other
21 words, have really suffered from certain information, and
22 it's so obvious to you that we just need to get off it and

1 get going with that data?

2 I talked about those different sectors that we're
3 trying to address and get more boats to cover. What
4 percentages do you think is an appropriate number? I heard
5 comments earlier, well, we should know what a statistical
6 basis is. That's true. We heard 25 -- up to 25 percent
7 (inaudible) observers you start getting reduced efficiency as
8 you start increasing coverage. So I'm curious about that,
9 and this whole notion of burden.

10 What kind of administrative costs, how much
11 interference does this -- these different programs incur with
12 you if you conduct your day to day business on the water?
13 What's easier? What's more difficult?

14 Keep those questions in the back of your mind. I
15 might even use this post it note. Would you mind putting it
16 -- thank you. So those are questions -- those are the
17 issues, if I could entertain some debate, that would be
18 great.

19 A PARTICIPANT: (Inaudible) that and I guess go
20 (inaudible).

21 A PARTICIPANT: Again, if you could give your name,
22 just -- Frank.

1 MR. LELAND: Yes, thank you. Yeah, being from the
2 Northeast, we're very familiar with log books. We've been
3 doing it for quite a bit of time. I was a little curious on
4 why party and charter boats would be 100 percent, which I
5 don't have a problem with, and you only want 10 percent from
6 the rest of the general category in that; I'm a little
7 concerned on why, there.

8 And the other thing is, I know that the party and
9 charter log books in the Northeast region were not looked at.
10 They were collected and piled in the corner. First time
11 that they were looked at is when the ground fish committee of
12 the New England council went through and took out the
13 information specific to party and charter. Other than that,
14 they were just used as, checked off of whether or not they
15 came in or not. So has that information ever been added in
16 to anything else from the HMS stand point?

17 MR. SAMPSON: The party charter boat in the North
18 (inaudible) --

19 MR. LELAND: (Inaudible.)

20 MR. SAMPSON: I'm sorry. You're referring to the
21 VTR, which has a box on top of it that says party charter
22 boat?

1 MR. LELAND: Yeah.

2 MR. SAMPSON: And you're asking, have we ever used
3 that information? Yes, we have.

4 MR. LELAND: But why 100 percent for party and
5 charter and only 10 percent for the rest of the fishery?

6 MR. SAMPSON: I'll try to give you an answer to
7 that. What I would like to hear from you is what you think.

8 The charter boat sector traditionally has -- we've
9 recognized has a high effort and very successful effort.
10 It's a segment of the fishery that is quasi-commercial. It's
11 -- wait, it is a commercial permit, but its recreational
12 impact is pretty significant.

13 It also covers such a range of species; it's not
14 just about tuna in the gulf and in Florida. There may be
15 some answers to the questions we have there regarding the
16 marlin take, regarding swordfish. It's one of those
17 fisheries where we think that it's so significant on the
18 fishery, and there's so little information that we have, that
19 we're trying to get a better handle on it.

20 MR. LELAND: No, I understand that being 100
21 percent, but I -- you know, general category I would think
22 would be more efficient than, let's say, the angling

1 category. I don't think 10 percent of the angling is the
2 same thing as 10 percent of the general category.

3 MR. SAMPSON: Oh, okay, so you're --

4 MR. LELAND: I think you're going to need a higher
5 -- 10 percent seems awful low.

6 MR. SAMPSON: Okay.

7 MR. LELAND: I know in New England, we require for
8 like ground fish, it's 100 percent for anybody with a ground
9 fish permit. I'm not sure why we wouldn't want to go that
10 way for anybody who's fishing for the tuna fish, or anything
11 less.

12 MR. SAMPSON: I'm sorry, so I misunderstood you.
13 You said it wasn't 100 -- you weren't questioning the 100
14 percent charter boat --

15 MR. LELAND: No, I was not questioning that at all.

16 MR. SAMPSON: Beg your pardon?

17 MR. LELAND: I was questioning, 10 percent seemed
18 (inaudible) everyone else.

19 MR. SAMPSON: Okay, let me clarify that. The 10
20 percent, I mentioned this for all other tuna vessels. It
21 doesn't address your premise, 10 percent is low; what I'm
22 about to say is, they're going to be even lower. That's 10

1 percent for all of the general category of all the angling
2 vessels, so there would be a distribution -- the goal, when
3 we talked about it, was 10 percent in the entire amalgamation
4 of the -- it's about 20,000 vessels, so 10 percent of those.

5 But sorry, I'm (inaudible) your point is, 10
6 percent's too low.

7 MR. LELAND: I think if we're going to report it,
8 it should be 100 percent for everybody.

9 MR. SAMPSON: Okay.

10 A PARTICIPANT: Glen, then Mau.

11 MR. DELANEY: You started to mention this, Mark,
12 which was that, you know, this is the same question as
13 observer coverage. Asking the constituent fisheries what
14 they would like, or -- I mean, that's just making it a
15 political decision rather than a scientific decision.
16 Monitoring of fisheries should be at a level necessary to
17 achieve your management needs, and that's for the managers to
18 decide.

19 Having said that -- let me back up. I mean,
20 otherwise you're basically pitching it out to a political
21 decision, and whoever happens to have the most votes or the
22 most representation, or the squeakiest hinge or whatever, may

1 persuade you to institute their desired percentage and others
2 may not. I don't know why that's even relevant. What's
3 relevant is, what is your management need, statistically,
4 scientifically.

5 Having said that, there are policy implications
6 here. You have -- I guess you're proposing that it would be
7 appropriate for some gear types to have 10 times the coverage
8 of other gear types. You know, the pelagic long line
9 fishery, for example, has been at 100 percent for some time.
10 Your rationale in your presentation was just simply because
11 that's the way it is. It made me want to expound upon what
12 the scientific basis is for 100 percent or 50 percent or 10
13 percent, for any fishery.

14 Then there's a legal consideration, as well. I
15 haven't looked at it in a long time, but I remember working
16 on it, and the Atlantic Tunas Convention Act, I believe, says
17 something to the effect that there should be comparable
18 monitoring of all HMS fisheries, and of course, comparable is
19 one of those wonderful words that Congress gives you to try
20 to figure out what it means.

21 Certainly it doesn't, in -- just like in observers,
22 it doesn't necessarily mean you do the exact same thing for

1 every fishery. But you are in comparability, I assume,
2 trying to achieve the types of things that you mentioned:
3 reliability of the data, accuracy of the data, consistency of
4 the data, and hopefully meeting your management need, defined
5 management need.

6 But I don't know if you've done a comparability
7 analysis, but 100 percent on one gear type and 10 percent on
8 another gear type suggests a lack of comparability. But
9 maybe it is achieving the same level of statistical or
10 management relevance. You know, maybe we only need 10
11 percent of one gear and 100 percent of another to achieve
12 basically the same level of understanding of what's going on
13 in the fishery.

14 But those are -- it seems to me there's a policy
15 and legal consideration there, overlaying the fundamental
16 scientific need: what's the management need. So I hope that
17 others will address themselves to that.

18 The other question I had was for clarification.
19 What we see in the safe report seems to be different than
20 what we -- what you flashed up on the screen, so I was just
21 curious. In the safe report, I see status quo as one option,
22 and that's 100 percent of all long line vessels and nothing

1 else, and other options, which are, select 10 percent, select
2 10 percent, select 10 percent of different categories:
3 Atlantic tunas, commercial permanent, Atlantic tunas charter
4 head boat, Atlantic tunas recreational.

5 And in particular, you mentioned 100 percent for
6 charter head boat up there, but it says 10 percent here. Is
7 it apples and oranges or just a new proposal, or what?

8 MR. SAMPSON: No, I think, Glen, you might have
9 noticed A, a typo, and B, some artistic license as I modified
10 my presentation.

11 MR. DELANEY: Okay. All right.

12 MR. SAMPSON: So --

13 MR. DELANEY: So we should be more reflecting on
14 what you put up there (inaudible).

15 MR. SAMPSON: If so -- in fact, thank you for
16 pointing that out, that 10 -- that says 10 percent under
17 charter head boats; if you wouldn't mind, put 100.

18 MR. DELANEY: 10 dash eight, I think is the page.

19 A PARTICIPANT: What does the FMP say?

20 MR. SAMPSON: Thank you. The FMP says what I
21 wrote, 100 percent for charter head boats.

22 A PARTICIPANT: (Inaudible) percent.

1 MR. SAMPSON: 100 percent for charter head boats.

2 MR. DELANEY: For charter head boats, okay.

3 MR. SAMPSON: 10 percent for all other tuna
4 vessels, and 100 percent for the long line vessels.

5 MR. DELANEY: Is there anything, like all those
6 questions, that you might want to address before you
7 (inaudible).

8 MR. SAMPSON: Yeah, I'd like to, actually, because
9 I don't have a good answer to your question about the
10 comparable monitoring; that is obviously deliberately vague
11 as a term. What I do have is a recognition that HMS has been
12 growing, in terms of its management and its ability to get a
13 handle on these fisheries.

14 Long liners have the joy of being the first out of
15 the gates, in terms of developed long line fishery, and you
16 had the log book that was designed and to a great extent
17 tailored to the long line activities. We've only just -- at
18 the other end of the spectrum, heck, was it '94, '96, we only
19 just permitted tuna vessels, recreational tuna. We only just
20 got a handle on who those folks were by issuing these
21 permits. And only just recently did we get the PRA approval
22 to go ahead and license all HMS charter head boats.

1 What I'm trying to say is, there's a historical
2 nature to this, rather than a policy nature. We are slowly
3 trying to ramp up and get a grip on these fisheries the way
4 we should, and we've been going slowly. And to get the
5 permitting is the first stage, because if you don't know who
6 we're managing, we don't know who to issue the log books to.

7 A PARTICIPANT: What about the issue of
8 (inaudible).

9 MR. SAMPSON: Yes, it is.

10 A PARTICIPANT: (Inaudible) management (inaudible).

11 MR. SAMPSON: Correct, and that is, at many levels,
12 a statistical and -- issue that we are engaging with our
13 colleagues. I see some folks from SNT here. And so those
14 questions will be answered in cooperation with them.

15 My search the -- for your all input is the -- not -
16 - yeah, is the notion of what works best, in terms of really
17 on the water work. At some level, this is quite
18 administrative and quite mundane, but what makes sense? What
19 works for you all, as fishermen and as policy makers?

20 So --

21 MR. DELANEY: (Inaudible) I guess I'll just make my
22 comment that it should be no more and no less than what the

1 managers decide is necessary to effectively manage the
2 fishery.

3 MR. SAMPSON: Thank you. Okay, thank you. I have
4 Mau and then --

5 A PARTICIPANT: William.

6 MR. SAMPSON: -- and then William, and then Bob
7 Pride, then Gail, then David Wilmot, then Eileen, then Kim
8 Nicks (phonetic), then Nelson.

9 A PARTICIPANT: Sorry, Ellen Peel.

10 MR. SAMPSON: Ellen Peel and then Kim Nicks and
11 then Nelson. And I'll go back over those. Mau?

12 DR. CLAVERIE: Sloan was trying to get on a list.

13 I think it's been stated very well that you need
14 what you need for management, and no more and no less. Over
15 the years, though, there have been many attempts at new
16 starts and there's been fine tuning of some working programs,
17 and there's been the introduction of the possible use of
18 electronic gadgets to help get information better and less --
19 with less burden on the participants.

20 There's some general principles. One is that if
21 you start a log book program, administered by an agency the
22 size of the pages in the book will grow over time. And you

1 have to really avoid that, because there is a limit to how
2 big a piece of paper, how many things a participant can
3 enter, given the fact that they're really out there to fish.

4 You have within your own agency examples of that
5 over time. There was a log book in some Northeast fishery
6 that started out as a simple thing like you put up on the
7 wall, and ended up two, three pages a day. And they had to
8 rip it up and start over. It just - you know, oh, while
9 you're at it, I need to know this, and oh while you're at it,
10 this other group needs to know that, and it just gets out of
11 hand quick.

12 I remember from discussions with Matlock when he
13 was in Texas, that they figured the maximum number of seconds
14 you could engage a participant in this sort of activity, and
15 you had to discourage asking more questions, or it would
16 become invalid, because it was too time burdensome. I don't
17 remember what the numbers was, but it was only about 30
18 seconds or 40 seconds' worth. And that we have seen come and
19 go.

20 There are ongoing in the Gulf, log book systems by
21 the Gulf States Marine Fisheries Commission. And they have
22 done some test runs on charter boat and other kind of

1 systems, and we're coming to conclusions on the Gulf Council
2 as to which would be the best to use. And the continuing
3 request is, please coordinate everything.

4 And in fact, the charter boat fleet is requested to
5 the council to try and -- and I guess since I'm up here for
6 the Gulf Council, I might as well say it now and say I said
7 it, let's get one big charter boat permit. Right now you're
8 talking about HMS permits; what they're going for is a -- I
9 forget the term. Do you remember, Irby? Wake up.

10 MR. BASCO: I'm awake.

11 DR. CLAVERIE: Okay. The Coast Guard issues a
12 document. And not all vessels are documented, but what
13 they're talking about is having one charter boat permit with
14 endorsements, that's what's the word. And one of the
15 endorsements would be HMS, another would be coastal pelagic;
16 an endorsement for each fishery group, by plan.

17 And they would like the reporting systems to be the
18 same, follow the same idea, that you get one log book that
19 covers everything, rather than one log book for the Gulf
20 council and one log book for the HMS, which is also the same
21 National Marine Fisheries Service. So just throwing those
22 out as general concepts.

1 Another concept is, you want to keep separate,
2 enforcement and scientific data gathering. It's a natural,
3 human inclination to tell a policeman your name, rank and
4 serial number and nothing else, because you don't know how
5 much trouble you could get in from telling him something.
6 It's also a natural inclination to help the scientists do
7 what they do by telling them more than they want to hear.
8 And if you mix the two together, you have a problem.

9 So you also have to return to the fishermen
10 something showing that you are using what they -- what you're
11 getting from them. And that's alluded to in your log book
12 issues, fishers believe their log book data useful and could
13 be used more. They have to know it's being used.

14 But I want to point out that not all fishers are
15 willing to participate in providing the information; mostly,
16 some because they don't trust the government, some because
17 they don't trust what the information would be used for. I
18 can remember in the early days, a lot of recreational
19 fishermen didn't want to give the data to the scientists
20 because it would only be used by the commercials to catch
21 more, and vice versa, that sort of thing.

22 Some are really out there to get away from this

1 kind of junk. I mean, a CPA on the day after tax day, if he
2 goes fishing, he sure as hell doesn't want to be filling out
3 a form; he wants to get away from all that, for instance.

4 Congress, in the '96 amendment, provided for a
5 registration system and asked the National Marine Fisheries
6 Service, the Coast Guard and maybe some others, to get
7 together and come up with a coordinated registration system,
8 and the registrations would not be sanction-able.

9 The agencies did not respond to that. They have
10 not done that, although Congress asked them to do it, and
11 this agency has been going ahead with permit systems,
12 allegedly to get scientific data. But in the eyes of many
13 fishers who have been hurt by permit systems, in their eyes,
14 it's really for other reasons. And they view -- we've had
15 big fights about this in the Gulf area, particularly with the
16 shrimp permit system.

17 And so if you need scientific data, Congress
18 suggested that you use the registration system, rather than
19 sneak in a permit system that's really for absolute control
20 over the fishery. You alluded to it yourself; it's how you
21 want to get a control over this fishery. That's not
22 necessarily a view we favor by the participants.

1 Traditionally, NMFS has gathered more information
2 than it had the resources to use. That was alluded to
3 earlier, about these log books that are sitting somewhere,
4 and have they been used yet?

5 And I remember in the Bill Gordon days, NMFS was
6 sitting on tons of data that could no longer be accessed,
7 because it was in the wrong computer, the old kind of
8 computer language. And it was never used, but it was
9 gathered; very expensive, very burdensome, although sometimes
10 a pleasure. Some people like to do that and so forth. So
11 don't exceed your ability to make use of it, just for the
12 sake of gathering information.

13 The electronic age is upon us, and unfortunately
14 for the scientists, but fortunately for other segments of
15 this system, the vessel monitoring system situation is really
16 being pushed by the enforcement arm of the Service. And it
17 has done wonders there, and is a good tool for use of that,
18 but it also could be a very good tool for use in gathering
19 catch and effort data, particularly effort data and location
20 data.

21 And for instance, in the highly migratory species,
22 the effort is hours trolled in the recreational fishery, the

1 unit of effort. And in the shrimp fishery, effort is hours
2 trawled.

3 And in the VMS experimental situation in the Gulf,
4 they put gadgets on the wenchers that put the trawl out and
5 pull it back in on the shrimp boats, and they report it
6 through the VMS system when the net was put out and when the
7 net was pulled back in. And these gadgets are expensive, and
8 these gadgets are subject to a lot of maintenance because of
9 the salt water environment.

10 And they then came up, a private firm, came up with
11 a situation, if you take a reading more often on the
12 location, you can determine whether the boat is going slow
13 enough to be trawling or fast enough to be running, and that
14 would give you, then, what the switches are no longer needed
15 for.

16 The same thing would hold true in the recreational
17 fishery. If you just took a VMS fix every two minutes or
18 something, you would know whether that boat is running or
19 trolling or fighting a fish. It would -- you could get the
20 signature on that.

21 We were working with NMFS enforcement to try and
22 have that done on the recreational fleet, but something

1 happened; they ran out of money or they had to use the units
2 for something else.

3 There's a substantial expense in the use of these
4 units, and the question is whether it should be on the
5 operator or on the government. When the first systems were
6 used in the Hawaii area, the expense was on the government.
7 The newer systems are looking to lay off the expense on the
8 users, the participants, and that gets to be expensive. And
9 there is installation costs, there is a equipment cost, there
10 is maintenance costs, and there's communication costs, which,
11 when you add it up, is a lot of money.

12 It's also a gadget, a box like you said, that --
13 some boats in the recreational fishery are just plain wet
14 boats, and electronics do not live very long. I have a boat
15 that every other year, every piece of electronics, including
16 something as simple as a light, has to be replaced because of
17 that. And small -- the smaller, faster boats that are now
18 being used in the recreational HMS fishery are absolutely
19 wet, salt water wet. So that's something else to be
20 considered.

21 Whatever you do, please fold it into existing
22 programs, because HMS is everything you do every day, but

1 it's only one of the many things that the fishers are
2 involved with every day who are participating in the HMS
3 fishery. So you have to keep that in mind.

4 And basically, it boils down to, again, you have to
5 look at, if you're going to have a mandatory system, some
6 people are not going to want to participate, because that's
7 not why they're out there fishing, or it's too burdensome on
8 their operations or something.

9 Or it could even be unsafe. If I'm out in bad
10 weather, coming home on a charter boat, I don't want that guy
11 typing on his machine about what he caught instead of getting
12 me home safe and keeping a good watch out in rough weather.
13 So all those factors you have to consider in this.

14 And I think that the Service ought to start working
15 closely with the enforcement end, to start seeing what they
16 can do with VMS for obtaining scientific data without making
17 people think that it's the enforcement people who are getting
18 it. There's only so much space on those wave bands, or
19 whatever you call it, that transmit the information. There's
20 so many -- there's only so many bits of information that
21 these VMS machines will transmit, and you want to get some of
22 that space for science, before it's too late.

1 MR. SAMPSON: Okay, Mau, thank you very much.

2 A PARTICIPANT: William, and then Bob Pride.

3 MR. GARENZA: Thank you. Bill Garenza (phonetic)
4 of Portland, Maine. If the evolution of your log book system
5 fits, and I think that it does, then I'm going to suggest
6 that you proceed in the following order: decide what your
7 data needs are first, and that's more driven by what your
8 management -- how you want to use the data; how you're going
9 to manipulate it; what kind of logic system you're going to
10 use and the data warehouse you're going to chose; and also
11 the input system, whether it's electronic or OCR (phonetic)
12 or keyed in off of a sheet of paper.

13 And the reason --and do all these things before you
14 design your log book, because it's been my experience,
15 similar to Frank's, that log books, and all the data that go
16 into them, goes -- end up in sort of a black hole, and it
17 takes years for the data to come out, if at all. And it's
18 very frustrating for the industry to spend all this time
19 filling out and providing information, and then having it go
20 sit somewhere and nobody does anything with it. I mean, this
21 really ought to be stuff that you can use, days or less after
22 you receive it.

1 And so go in that direction, first. Decide how
2 you're going to handle your information, then go out and
3 collect it, because it's useless to do it the other way.

4 One of the things you may want to ask yourself it,
5 do any of the other ICCAT countries use log books and
6 technology that goes with them, for instance Canada or the
7 EU, and can you appropriate some of those systems, instead of
8 trying to reinvent the wheel. And this might address some of
9 your cost issues, instead of trying to develop something from
10 scratch. I'm familiar with at least one system that's out
11 there, and not to recommend it, but probably worth your while
12 to take a look around. Thank you.

13 MR. SAMPSON: Just for the record, what was the
14 country and what was the system you're familiar with?

15 MR. GARENZA: Canada.

16 MR. SAMPSON: Canada's, okay.

17 MR. GARENZA: You know, they can -- it's -- I'll
18 just (inaudible).

19 MR. SAMPSON: Yeah, okay, I'm familiar with it,
20 thank you.

21 MR. PRIDE: Thank you. I guess the one thing I
22 want everybody to be conscious about, we're really not

1 talking about log books; we're talking about trip reporting.

2 So let's keep that -- let's keep that in our minds as we
3 have this discussion today.

4 The second point is, other people have alluded to
5 it, but the problem does seem to be the data entry of the
6 data, once it's collected. The government has had problems
7 in assimilating data ever since I've been involved in fishery
8 management, for 11 years now. So we can produce all the log
9 books in the world, but as Bill suggested, it's better -- it
10 would be better served to decide how we're going to
11 assimilate the data and aggregate it and report it, before we
12 even go out and try to collect it. I think that's something
13 that everybody needs to think about.

14 We also designed these lovely forms, get people
15 filling them out, and then they come into the agency and we
16 say, oh, my gosh, how are we going to get the money to get
17 these keyed into a system or whatever we're going to do.

18 The other point that has been made, I want to
19 emphasize again now, I'm on the Mid Atlantic Council, and one
20 thing that we hear from commercial fishermen, not always just
21 with recreational fishermen but commercial fishermen, are
22 complaining about wallpapering their pilot house every year

1 with new permits. And the consolidation of permitting is
2 extremely important. And these fisheries that, particularly
3 now that almost every fishery that an EEZ fisherman's
4 involved in, requires a permit. They do get to be kind of
5 onerous, in terms of wall space.

6 So we do need to think about the permitting issue
7 and the data collection issue as a systematic issue. Let's
8 bring them together and look at them together.

9 I personally make my living in designing and
10 implementing data collection systems for businesses. I
11 haven't done it for the government and I hope I don't have
12 to, but the point being is that you always start out with
13 your use of the data, what you need to collect. In the
14 business environment, it's typically accounting needs that
15 will drive the initial data collection, and then management
16 analysis needs will be the secondary phase.

17 In this situation, I think we're starting at the
18 secondary phase. You know, the accounting and the management
19 are hand in hand.

20 The final point I'd like to make is, we've heard
21 that the reporting should be related to what is required, to
22 be sure we meet our planned objectives, whatever those

1 objectives might be. However, there are issues related to
2 sample size. For example, in a fishery where you only have
3 four or five participants, like the purse seine fishery, 100
4 percent reporting coverage is not unreasonable. In a fishery
5 where you have, or gear type where you have 15,000 vessels,
6 as we talked about in some of the recreational fisheries, 10
7 percent coverage may be too much.

8 So the scientists need to determine what the
9 appropriate sample sizes are to do that. And the easiest way
10 to do that is to, you know, to have some pilot program that
11 collects some data so that the scientists have the data they
12 need to make the decisions about sample sizes. We may have
13 already done some of that; I don't think it's all been done.

14 The second thing that affects what we need to do in
15 terms of reporting is by gear type: look at the number of
16 fish taken. If we have a fishery that's taking five fish, it
17 probably doesn't need any reporting; if it's taking 5,000
18 fish, perhaps it needs some reporting. And that's going to
19 vary by species. So I think that's extremely important, to
20 what the monitoring level might be.

21 Bycatch issues and discard issues also impact what
22 the monitoring level needs to be and the reporting level

1 needs to be, as well as quota monitoring. So all those
2 impact how many reports need to be made or what participation
3 level reporting has to have, in terms of the vessels in the
4 fishery, by gear type.

5 So I think that NMFS has to do some work and come
6 forward and tell the fishermen what they need to manage these
7 fisheries effectively, given the plan constraints and the
8 plan objectives. So coming to us and saying this is kind of
9 hard without the scientists telling us what they need.

10 So I really think that we need to go back to Bill's
11 comment: let's design the system, let's design the reporting
12 that's required to make this work for the scientists and the
13 monitoring and meeting the plan objectives, and then come
14 back and let's talk about what the form needs to look like
15 and how we're going to get the data into the system.

16 So that would be my comments. Thank you.

17 A PARTICIPANT: Gail, then David Wilmot.

18 MS. JOHNSON: Thank you. Gail Johnson. I have
19 some specific comments; one is the physical size of the log
20 books, especially the swordfish log book. The ideal time to
21 do it is either right after you're done calling or the next
22 afternoon, while you're searching around and, you know,

1 talking on the radio, different things, and it won't fit
2 anywhere. This sounds like a really small thing, but it is a
3 big thing. If it doesn't fit and you can't hang it on your
4 lap because you're rolling around so bad, can't do it.

5 Another thing is that most especially on the
6 economic log, but to a lesser degree on the swordfish log and
7 tuna log, long line log, it seems as though the questions --
8 you're not seeing the forest because of all those little
9 trees. I had a big snit about the economic log book, and it
10 didn't do any good.

11 The questions are so specific, and there's such a
12 tiny space -- as an example, pet peeve here, it says, how
13 much bait -- you know, how many pounds, how many boxes, how
14 many cents a pound, total amount. So what I have done, in
15 the times that I'd sent it in, is, in those little boxes, I
16 put, let's see, 100 boxes of mackerel at 45 cents; next line,
17 20 boxes of mackerel at 35 cents; next line, maybe 200 boxes
18 of squid at so many, and you can't read it, okay? That's
19 specific.

20 About the VMS, those are good things, but I am
21 really concerned about the reliability of the machine. We've
22 had one on the boat since 1994, and pretty much it's

1 reliable. However, I've had some -- the first time it
2 happened, I was just about panicked, because I knew the boat
3 was heading home, but the VMS said that it was 200 miles away
4 and heading in the wrong direction. And it continued for a
5 couple of reports. It scared me half to death. But it was -
6 - you know, it was a glitch.

7 I've heard, unconfirmed, that the scallopers are
8 having trouble with their VMS in New England. And if you
9 know this is incorrect, I really need to hear that from you,
10 but I was told that if a scalloper has a VMS that stops
11 reporting the position, they are escorted back to port. Now,
12 that is -- that is a very big deal indeed. That can't really
13 happen.

14 MR. SAMPSON: And I don't have any other
15 information on that, Gail; I don't know.

16 MS. JOHNSON: Okay. Would you find out, please?

17 MR. SAMPSON: Yeah. Yes, I can.

18 MS. JOHNSON: Going on the data bases and their
19 interchange-ability, their access availability to different
20 parts of the science, different regions, is of crucial
21 importance. It makes no sense at all to me to have all these
22 different seemingly competing centers of information

1 gathering. As other people have said, it just defies logic
2 to collect a bunch of information and not be able to use it
3 in a timely fashion.

4 For that reason, and because of the physical
5 problems with the log books and the degree of pickiness, for
6 lack of a better word, with them, I think you need to be
7 working on one. And what Bill was saying about how to go
8 about it is perfect. You know, it does need to be somehow
9 connected with ICCAT and ICCAT member countries, if at all
10 possible, to use the same programs or at least make sure that
11 you can transfer files without losing the data.

12 What Glen said and what Mau said -- Mau, by the
13 way, blew me away with everything that he said and I agree
14 with. But at any rate, you do need to understand just how
15 much you need and from how many you need it, and go with
16 that. I don't think that you need 100 percent on every
17 fishery. You do have to think pretty carefully about where
18 those people are, so that you get the right areas and you get
19 a diversity of full timers, part timers, commercial,
20 recreational. I mean, in the best of all worlds, I'd like to
21 have 100 percent of everything. But this is not a perfect
22 world by any means.

1 Let me see, about the electronic reporting: you
2 know, I'm really excited about that. I think it's probably a
3 really good way to go, because you could do it while the
4 information was fresh in your mind. However, we are talking
5 about a hostile environment for electronics on a boat.

6 We have a computer. We haven't had a lot trouble
7 with it, luckily; however, the times when we did have
8 trouble, it was devastating: lost everything. What if
9 you're on the last set, you've got everything in your
10 computer and the bluman -- you know, the generator breaks
11 down and for some reason or other the back up power supply
12 fails, too? That happened.

13 So we need some kind of back up, and I'll leave it
14 to better electronic minds than mine to come up with some
15 kind of system, even if it's -- well, no, I was going to say
16 hand held, but that's not good on a boat, either, because
17 they roll around all over the place.

18 The last thing, the ACCSP, I don't know whether
19 that is eventually going to be something that's really good
20 stuff, usable for everybody and the central point; I hope
21 that's interchangeable with other countries, too. But at a -
22 - I suppose if it looks as though it's going to be usable,

1 then we ought to -- whatever you guys design, should be
2 looking towards integration with that. Thank you.

3 MR. SAMPSON: Thank you, Gail.

4 A PARTICIPANT: Okay, David Wilmot and then Ellen
5 Peel.

6 MR. WILMOT: I won't repeat a lot of the excellent
7 comments from Glen Delaney and Bob Pride and others, that
8 really have hit this on the head. You guys have a lot of
9 work to do before you are in a position to come to this panel
10 and ask for advice back. I'm sure it's frustrating for a lot
11 of the fishermen sitting around, who have been raising this
12 issue for years. I know from a conservation perspective, it
13 is extremely frustrating.

14 Development of a comprehensive monitoring and
15 reporting system is fundamental to what you guys do. And the
16 information, I believe, is available for you to be able to
17 sit here and tell us what has worked, what hasn't worked,
18 where you come up short, what management actions you've not
19 been able to take because you haven't had the appropriate
20 information.

21 An example I would give, the long liners were the
22 guinea pigs on this. For years they've been putting in the

1 log book data. I don't think that I could sit here and
2 accurately tell you what you guys know from the data.

3 How accurate is self-reporting? What is the
4 comparison with the observer sets? What has that told you?
5 What adjustments have you made? What adjustments would you
6 suggest? What level of observer coverage is needed? Does it
7 vary between the species? These are essential elements to
8 managing the fishery. I know Nelson would love the answers
9 to all of this, and it's the only way we're going to be able
10 to move forward.

11 So my suggestion is, take two steps back, rather
12 than trying to race forward on piecemealing this thing
13 together, and determine what it is that you're trying to
14 answer; work with the scientists to determine exactly what
15 you need to answer it; come and sit here and tell everyone
16 around this table, this is what we're going to do to answer
17 it, now work with us to develop the details of that plan, the
18 type of comments that Gail gives regarding what something
19 physically should look like or feel like or how it should
20 work.

21 I think this should be a top priority of the
22 Service: development of a true comprehensive monitoring and

1 reporting program. It's a Magnuson requirement and we've
2 been calling for it for years.

3 I don't mean to be critical. I mean, I hope this
4 is taken as constructive criticism.

5 In a way, I feel you guys overwhelm yourselves,
6 because there's so much out there that you need and there's
7 so much coming in. You might be able to simplify this more
8 than you think and get far more information than you are now.

9 MR. SAMPSON: Thank you, David.

10 A PARTICIPANT: Buck. Yeah.

11 A PARTICIPANT: Okay, Ellen Peel, then Kim Nicks.

12 MS. PEEL: I just wanted -- Ellen Peel, Billfish
13 Foundation. I just wanted to share that we were in the
14 process of developing an electronic reporting system for
15 billfish anglers, both for anglers and tournaments, and are
16 working with the scientists at the Southeast Fisheries
17 Science Center, in addition to our own consultants, to try to
18 get a format that will encompass information that can be
19 really beneficial to the scientific analysis. It's probably
20 at least 40 percent developed now, and maybe it's a little
21 further along than that, but we'll coordinate with you guys
22 and you may be interested in how that evolves.

1 MR. SAMPSON: Thank you, definitely.

2 A PARTICIPANT: Kim Nicks and then --

3 (End side A, tape 3.)

4 MS. NICKS: I have some questions (inaudible). The
5 current regulations say, if they're selected, the mandatory
6 log book has to report to the owner. We have seven vessels
7 as a long line in the Gulf of Mexico, and we have to report
8 seven out of seven. I think that's the language you used,
9 mandatory on that one.

10 Also, I would like to share this one with Gail:
11 like in the local report from the Gulf of Mexico, they
12 require you have to report each set. So we have two or three
13 sets -- we have two sets per day; if we go 14 days, then we
14 have how many set we have to report for each set?

15 Additional of this, the summer rate, like she
16 mentions, very specific: the bait, the ice, the diesel, and
17 the share of the deck hands. That's a burden to the
18 fishermen. So I would like the agency, maybe find some other
19 way to compromise that. Thank you.

20 MR. SAMPSON: Thank you, Kim.

21 A PARTICIPANT: Nelson and then Rom.

22 MR. BEIDEMAN: Yeah, a couple of things for Kim.

1 What the pelagic long liners have to do right now, we have a
2 daily log book that has to be filled out within 48 hours of
3 each set. Then we have an economic summary that has to be
4 sent in within seven days of landing. We have a tally sheet
5 for off loading the fish that has to be attached to our log
6 books and sent in within seven days of landing. Then we have
7 our dealers, every two weeks send in a dealer form.

8 Now, I appreciate that, you know, Glen brought up
9 the Atlantic Tunas Convention Act; others have brought up the
10 Magnuson Act. It is my understanding that what the law says
11 is that National Marine Fisheries Service is supposed to be
12 able to make comparisons on catch and catch disposition, and
13 Congress was very specific in pointing out all three segments
14 of the fishery: commercial, recreational and party charter.

15 That's a legal requirement.

16 Yesterday we spoke fairly extensively about the
17 treaty requirements of keeping track of ICCAT quotas. Glen
18 and many others were very, you know, much clearer than I
19 could possibly be in pointing out that the agency has to have
20 both legal and scientific justification for any percentage of
21 selectivity.

22 And, you know, of course, from the long line

1 perspective, we would say you can't get that microscope much
2 higher on us, because, you know, we're already looking at the
3 nucleus in the atom now. And we don't know what any of these
4 other fisheries are doing. And the agency just continues to
5 ignore what the responsibilities in these different laws that
6 directly apply and the ICCAT quota.

7 Myself, I also believe that the law says that if
8 you sell, trade, or barter your fish that you're commercial.

9 I don't know what scientific level is justified for the
10 different HMS fisheries. I know from, you know, political,
11 just common sense perspective that 100 percent of all
12 commercial, anyone that sells their fish, from our
13 perspective would be defensible. And if that's not justified
14 scientifically, then perhaps 100 percent on this fishery
15 isn't justified scientifically, either.

16 I think that, you know, all the things that have
17 been mentioned needed to be fully considered before getting
18 to this point, but I do think that a page that has all the
19 species and attached pages for the different fisheries that
20 are specific to that fishery effort, etc, any economic
21 information should be across all the HMS fisheries. We don't
22 have economic information on barely any of them.

1 I also think that we may need to revise some of the
2 dealer reporting requirements, to be more vessel specific.
3 Because from what I understand right now, it's like, you
4 know, they landed so many yellowfin tuna and they might give,
5 you know, the permit holders numbers, but, you know, the
6 poundage isn't that, you know, specific to the vessel.

7 As far as the electronics, I don't think that it's
8 ready. I don't know that we should have any mandatory
9 systems until it is ready and, you know, working properly,
10 but voluntary systems to move us in that direction may be
11 warranted.

12 And I do think that in the long run, what we're
13 going to need here is an HMS permit, and it should -- you
14 know, we should have our recreational HMS permit, that means
15 you don't sell any of your fish, and a commercial HMS
16 permits; that means that you may sell, trade or barter some
17 fish, according to what endorsements you have or don't have.

18 Thank --

19 MR. SAMPSON: Thank you, Nelson. Rom Whitaker.
20 First of all, I'd like to say I agree wholeheartedly with the
21 comments that Mau made, in regards to information and what's
22 going to happen with that information. I think that the --

1 in my area, that the fishing captains and fishermen are very
2 skeptical about what the government's going to do with the
3 information, and therefore hesitant to give information.

4 I think, second point is that I think you have to
5 separate the fisheries information from the socioeconomic
6 information. I think to put all that on one form and require
7 me to fill that out every day, I certainly sympathize with
8 these guys on the long line boats, trying to come in in a
9 rough ocean and trying to write down that information. It's
10 hard enough just to write down a phone number, more or less
11 fill out a log book.

12 Another point was, for the charter boats, I feel
13 like that 50 percent would certainly get the information that
14 you all are looking for, and I would even like to maybe see
15 that done on a two or three year program and then stagger
16 with the ones that weren't doing it, to not put the burden on
17 the same person all the time.

18 But first and foremost, and somebody brought it up
19 a while ago, but I think you've got to figure out what
20 information that you want and instead of me having my four or
21 five different permits, I would like to see some kind of
22 permit done through the organization we've got, looking at

1 combining data. But we've got to come up with something
2 simple that can be done on one sheet of paper, that I can lay
3 in my boat or somewhere else, anywhere in the boat that's
4 handy to get to, and even -- especially with the
5 proliferation of boats under 30 feet that are pursuing HMS
6 fisheries.

7 Also, you've got to figure out what exactly
8 constitutes an HMS trip. Sometimes, in the wintertime,
9 especially, I have days that may be rough; I go out in
10 pursuit of a striped bass, maybe two or three miles from
11 shore, and I end up catching a bluefin tuna, which is not
12 unusual. Does that constitute a trip I have to fill out a
13 log book? If I go out Spanish mackerel fishing, do I have to
14 fill out a log book? So I think somewhere we have to set
15 some parameters in there for what is a trip: two miles, five
16 miles, ten miles?

17 Also, the salt water environment, if you all are
18 going to try to, which I'm all in favor of, electronic
19 reporting, I think it's good data and it's quick, but if
20 you're -- if we're going to head this direction, I would
21 highly advics you to go to Faruno (phonetic) or Raytheon or
22 Stytechs (phonetic) or somebody that's making electronic

1 equipment for off shore vessels, and let them do your
2 prototypes or at least help with them, because salt water and
3 electronics, as we all know, are not compatible.

4 And that's it. Thank you.

5 A PARTICIPANT: Steve Sloan.

6 MR. SAMPSON: Thank you, Rom.

7 A PARTICIPANT: And then Jack.

8 MR. SLOAN: All of the comments so far have been
9 mostly to the point. I certainly would agree with Nelson
10 that economic information is necessary, including the long
11 sought after and never gotten socioeconomic study that is now
12 in my tenth year of waving the flag. So we don't have it
13 yet, but Nelson, thanks for the plug. I think we need it.

14 However, you haven't gone far enough, and this
15 meeting represents a legal conflict of interest, this
16 particular point: Mark, it's your job to get enough
17 information to sustain the eventual challenges in the court,
18 because if you put something through and you lose, it's more
19 devastating than not having put anything through at all.
20 People get started, they stop, they have to regroup. There
21 are meetings up and down the coast, all kinds of heated
22 ability.

1 You have legal counsel in NMFS, and NOAA. Your
2 legal counsel has to advise you on what it takes to sustain
3 the Magnuson Act, the treaty, and fishery management plans.
4 And you have to come up with the formulas to sustain that
5 opinion.

6 And we can give you -- my advice to you is, get
7 that opinion and come out with it, and then put it in the
8 federal register and take comments. That's the way to do
9 this. We can't help you, because we're definitely potential
10 plaintiffs here on anything you do, and there are many in
11 this room know what I'm talking about.

12 So therefore, you've got to get a legal opinion on
13 what it takes to put the plans through, and sustain them.
14 It's not only the opinion, it's the sustain-ability,
15 including the possible challenge in the court of appeals.

16 Now, to Nelson's position about the sale of fish,
17 I'd like to remind him, and I think it's in my memory,
18 although once in a while I have a senior moment, I think it's
19 in my memory that every citizen of the state of North
20 Carolina is allowed to sell \$200 worth of fish a year. Well,
21 that's a state rule.

22 This is a public resource; it isn't necessarily for

1 one group or the other. And to try to bifurcate this into
2 the sale or -- the sellers and the ones that don't sell, I
3 think can be challenged and I think you'd lose the case if it
4 went up, possibly to the Supreme Court of the United States:
5 does every citizen have a right to fish a public resource
6 and sell a fish if he catches it?

7 Now, we have regulations in intra state, federal
8 level, state level. Again, you need legal advice on these
9 matters, and far be it -- we could - it's nice to go over
10 these positions, and I think they're all well taken, but
11 you're the one that has to take the heat, hire the lawyers,
12 stand up in front of the judge and prove your case.
13 Therefore, my suggestion to you is, get the advice you need.

14 Get the opinion. A lot of times guys don't go into
15 a lawsuit unless they have a legal opinion about the case.
16 Get the legal opinion that you need to sustain yourself for
17 what you want to do, which is the management of marine
18 resources.

19 MR. SAMPSON: Thank you, Steve.

20 A PARTICIPANT: Jack, then Mr. Lee.

21 MR. DEVNEU: Jack Devneu. A couple of things. I'm
22 a little bit concerned. You know, we're -- I think this is a

1 crucial issue, you know, the issue of, you know, monitoring
2 and log books here, but log books, my understanding is, you
3 know, log books is one of several tools for monitoring and
4 data collection, etc. And I think one of the things that
5 needs to be addressed here is, basically, what are the
6 monitoring resources, the available monitoring resources
7 within the fishery service, in terms of both dollars and
8 personnel.

9 You know, I think log books have a place, but I
10 wouldn't want to see a level of time and effort go into log
11 books that would be at the expense of, perhaps, observer
12 coverage. So I think that it's very important for the agency
13 to take a look at its available resources.

14 And I think it might be instructive for this
15 advisory panel to actually provide you with information,
16 perhaps on the prioritization of the various monitoring
17 scenarios and tools that are out there; that might help you
18 in determining where you want to allocate your resources.

19 You know, so I think that would be an important
20 first step, and then once you, you know, decide that, as to
21 the available resources for going into a scenario like this,
22 I would wholeheartedly agree with Dave Wilmot here in that I

1 think you probably need to take a step back and also Glen's
2 comments and several others; been -- there's been a lot of
3 agreement and consensus on this point, it seems like, to be
4 sure of exactly what we need before -- you know, and let your
5 -- what you need for management measures drive where you need
6 to get it from and what the nature of it is, and how you're
7 going to analyze it and the rest of it.

8 You know, once you reach that point, you know, I
9 think you've really identified a couple of things here in
10 this program, Mark, that are kind of paramount, you know, in
11 this particular realm. You know, when you're taking a look
12 at your option one, using existing program versus option two,
13 you know, option two -- what you're heard from this group,
14 actually, is that you need to have the -- your needs drive
15 it, the scientific needs drive it, not the political
16 preferences of various user groups.

17 And what strikes me is, right off the bat, you've
18 got -- and the options -- in option one, the cons against
19 using option one drive what you have here, which, you know,
20 the data bases remain uncoordinated and it may not collect
21 the data for the HMS needs. Meanwhile, option two provides
22 even coverage and a closer match to the science and

1 management needs. I think you've almost answered your own
2 question, where you might need to go, and before you --

3 The other thing is that if we're poised to, you
4 know, embark on, a very large expansion of log book programs;
5 if you're going to need to redesign it and reinvent it,
6 you're better to do it -- it's better done now than after,
7 you know, we go down the road and find out that it's
8 uncoordinated and not working as well. So if you're going to
9 reinvent the way you do these log books, you ought to do it
10 now and then have them all coordinated, I think.

11 And I think there is a need for some uniformity.
12 You know, I have several other comments on various little
13 details here. For instance, the first chart you have, the
14 fishing vessel trip report, in number five it says, trip
15 type, commercial, party or charter. Well, there's one
16 missing there: you need to have a private slash recreational
17 category, as well. You know, we need to get a handle on
18 what's going on there.

19 Also, you know, on one of the pelagic charts here,
20 you've got a sea turtle box, you know, involved, injured,
21 dead, and the types of turtles. Well, I know this chart.
22 I've talked with charter and head boat people down in

1 Florida, and they're encountering turtles very frequently.
2 You know, so that question needs to be put on everybody's log
3 book, because, you know, right now the long line fishery is
4 about to take another, you know, massive wallop here,
5 potentially, you know. And to use (inaudible) some other
6 people's words, it's actually a de-minimis situation that the
7 long line is in. There's a variety of other interactors in
8 that scenario.

9 I guess that's about it. Just one final word to
10 Gail, with respect to the scallopers and the VMS: that's
11 actually a sole source contract, with boat tracks, and boat
12 tracks is never wrong. And the fishery service -- and you --
13 there's hell to pay to prove them wrong, when they've got you
14 inside a closed area, if the thing's wiggling a little bit,
15 and there's not a lot of margin for error there. Declaring
16 your days at sea if you need to appeal, then -- and you -- so
17 -- you know, I've talked to a lot of scallopers, because we
18 work with a lot of them. You know, they're tied to the dock
19 and that boat tracks is showing them off shore fishing.

20 So there are mistakes with this, and the appeal
21 process of getting this figured out -- I mean, it's generally
22 reliable, but when it's not, it's highly skewed and it's

1 very, very difficult to over come, and costly. I mean, you
2 basically got to hire an attorney, you know, to go in there.

3 And plus, meanwhile you might have had your catch seized
4 and, you know, you got a fine and you're in the paper and
5 you're a criminal.

6 So it's, you're guilty until proven innocent with
7 the enforcement on the -- you know, the vessel monitoring
8 system.

9 MR. SAMPSON: Thank you, Jack.

10 A PARTICIPANT: Is he --

11 MR. SAMPSON: No (inaudible).

12 A PARTICIPANT: Okay, we've got Wayne Lee then Glen
13 and Nelson (inaudible) we have two more people: John Jolly
14 and --

15 MR. SAMPSON: Put their names (inaudible).

16 MR. LEE: Thank you, Buck. I'm not sure about Mr.
17 Sloan's comment about North Carolina, but just for the
18 record, let me point out that in North Carolina we have
19 standard commercial fishing license. If you hold a standard
20 commercial fishing license, then you can sell your fish, and
21 that's documented under a state trip ticket program.
22 Recreational people don't sell fish in North Carolina, at

1 least under the legal system.

2 With regards to where we are today and where we're
3 going, under the option one where you say use existing
4 program, I think we've got to do that. We mentioned
5 yesterday, or I mentioned yesterday when we were talking
6 about the recreational fishery, that we need to put effort in
7 expanding the marine recreational fishing survey statistics
8 program. We have found that that program can be affective,
9 if you put additional resources and funds into it. That's
10 also operated by the various states, so they're the ones that
11 are involved in the process. And that's what you want: you
12 want the collection of the data done by people who have the
13 capability to do it, that already have the resources out
14 there.

15 With regards to the ACCSP program, Dave was
16 mentioning that we need to stop and redesign our program, but
17 let me point out: ACCSP is an integrative program that
18 involves the Atlantic States Marine Fisheries Commission; it
19 involves every state on the East Coast; it involves U.S. Fish
20 and Wildlife Service; and it involves the National Marine
21 Fisheries Service.

22 This is a program that they've been working on for

1 about three years, to improve the data collection, just what
2 we've been talking about around this table. What we need to
3 do is to get the HMS integrated into the ACCSP and get it
4 brought up into the level where we start working on that, and
5 we integrate that into that process. We already have the
6 program; it's there. What we need to do is integrate the
7 highly migratory species into that process. And I don't
8 think we can stop what we're doing now; I think we need to
9 work with the ACCS program as it exists.

10 With regards to the electronic reporting, I mean,
11 the capability for that is here today. I was delighted to
12 hear what Ellen said, that they're working on a program in
13 the billfish foundation that maybe that can be used as a
14 model. I'm sensitive to what Mau was saying about the
15 electronics on our boats and that kind of thing, but I think
16 we have that capability.

17 And like Rom said, if we go to the people that can
18 design it -- if we don't start today, we won't have a program
19 five years from now. If we keep saying we got to wait, we
20 got to wait, we got to wait, we're never going to get there.

21 So we have to start the program, and then five years from
22 now, hopefully we'll have it up and running and functioning

1 to do what needs to be done.

2 HMS has a big job, and I realize you guys are --
3 and I feel for you. You're like everything else: you don't
4 have the resources or the people. But I encourage you to
5 work, again, through the state process, through the ACCSP. I
6 think we can get a lot done in that area to improve it.

7 And one final comment is that, and this Mau must
8 have mentioned, that we don't want the log books to grow, but
9 in the South Atlantic Council, we have an initiative ongoing
10 now where we're looking at putting the economic data in our
11 snapper grouper fishery, in our log books, and the reason for
12 that is, under the Magnuson act, the economic data is
13 important in terms of your decision making and your plans.
14 And just like Mr. Sloan said a while ago, if you have a plan,
15 you have to sustain it.

16 And one of the data elements we need anymore is the
17 economic impact. So that needs to be something that we give
18 consideration to, even though it may make the log book a
19 little bit larger than we would anticipate, but it can be
20 fairly simplified. Like the lady said about -- in the
21 swordfish fishery, that she uses that data.

22 And our fishermen, as we've met with them and set

1 them down, they're very reluctant to give you that
2 information; but when you point out the need to them and how
3 it could affect the planning process and have an impact on
4 what they can catch and what they can't catch, then they
5 generally have come on board and supported the program.

6 So that's a pilot program that's out there; you all
7 might want to look into that and see where that's going.
8 Thank you.

9 MR. SAMPSON: Thank you. Thank you very much.

10 A PARTICIPANT: Glen, and then Nelson.

11 MR. DELANEY: Okay, a couple of things. Just to
12 further debate Steve Sloan's comments about commercial and
13 recreational fishing, I invite anybody to read the
14 definitions in the Magnuson Act, under section three,
15 definition number four, commercial fishing, and definition
16 number 32: recreational fishing means fishing for sport or
17 pleasure. So, I mean, the law is, I think, very clear, and I
18 hope that that discussion didn't in any way undermine the way
19 you manage the fisheries.

20 The point of access to the resource is one thing,
21 and it's issue of selling is another. And your points about
22 everybody and every American has the right of access to the

1 fish, well, that's not what's relevant. Commercial and
2 recreational fishermen do have access to the fish; it's a
3 question of how they dispose of the catch that's the issue
4 there.

5 So anyway, on another issue, getting -- you know,
6 we -- I think you've gotten a number of comments that suggest
7 that it's up to the agency and the fishery managers to decide
8 what levels of log book coverage, like observer coverage, is
9 necessary to achieve your goals, your conservation and
10 management goals. And those goals should be well defined and
11 well stated, and very clear so everybody understands what it
12 is that you're trying to accomplish.

13 And then you should make it clear why the level of
14 log book or observer coverage that you chose is necessary to
15 meet that objective. And then it comes to us as to -- or the
16 fishers, really, how to, in a practical sense, in an
17 efficient, cost efficient sense, implement those levels of
18 coverage.

19 But one thing I wanted to mention is, you know, you
20 talk about percent coverage of vessels. Another
21 consideration, which may be appropriate for at least
22 fisheries, is the percent coverage of harvest, of catch,

1 rather than just vessels.

2 I'll cite one example, is the general category
3 where you have a vast number of vessels, potentially, and a
4 very, very, very small, relatively small, universe of people
5 that actually harvest fish. And if you were to have, as you
6 would normally think in a statistical sampling procedure,
7 you'd want to have a random selection of those 10,000
8 permittees, well, that would be a very poor approach in
9 regards to using the data for a CPUE (phonetic) index, of
10 abundance, for example, CPUE-based index of abundance.

11 As you know, at ICCAT we have a number of -- I
12 think 11 or 10 fishery dependent indices of abundance.
13 They're all basically based on CPUE. In the particular case
14 of -- this is for bluefin tuna, I'm speaking. In most cases,
15 CPUE is a very questionable approach for bluefin tuna.

16 For anybody that's been out there and trolled for
17 bluefin tuna, you can -- you have a tremendous difference
18 from one day to the next, but more importantly, and the point
19 I'm trying to get to, is what I call the quality of the
20 effort or the fishing effort; or the power of the effort, I
21 guess is another way to describe it, where one vessel can be
22 out there for the rest of his life and never catch a bluefin

1 tuna, and really doesn't have much chance of catching a
2 bluefin tuna except by accident, and then another guy will
3 consistently produce. And that's just an experience and
4 knowledge and talent issue.

5 But if you look at the distribution of catch within
6 those permittees, you'll see probably that, you know, seven
7 or 800 of those 10,000 are responsible for the catch, and
8 probably 10 percent of them are catching 90 percent of the
9 catch.

10 So contrary to what might appear to be a normal
11 sampling procedure, you might want to focus in the general
12 category on the people that are actually producing the
13 harvest, as -- with the objective of being able to improve
14 the quality of your CPUE. Thank you.

15 MR. SAMPSON: Thank you, Glen.

16 A PARTICIPANT: Nelson, then John Jolly.

17 MR. BEIDEMAN: Most of the -- what I was going to
18 comment on has been covered. I would like to say that for
19 the pelagic long line fishery, the business end of a set is
20 the hooks. So percent coverage of hooks makes a lot more
21 sense to us than percent coverage of sets. And generally,
22 the percent coverage of hooks has been a bit higher than the

1 percent coverage of sets. And that's the business end of it.

2 MR. SAMPSON: Thank you.

3 A PARTICIPANT: Oh, John.

4 MR. JOLLY: The gentleman from Carolina I think
5 covered the subject that I was going to address. I just
6 would reiterate, though, that anything that you're planning
7 to do, it is imperative that you coordinate very closely with
8 the Atlantic Coastal Cooperative Statistics program. I mean,
9 it's just, good data produces good science.

10 We're trying to standardize things, and duplication
11 of effort, and this is something that's been going on between
12 the states now for decades. We for years wanted to get
13 standardization throughout the Atlantic and Gulf states on
14 scientific data collection. So this is the attempt, this is
15 it, and NMFS has to coordinate very closely. I hope that you
16 are. We talk about this in the meetings, but until my
17 gentleman from Carolina spoke up about this, it had not been
18 mentioned except briefly yesterday.

19 A PARTICIPANT: Glen?

20 A PARTICIPANT: Glen?

21 A PARTICIPANT: Glen and then Frank.

22 MR. DELANEY: I just wanted to point out that we're

1 -- or, there's going to be a stock assessment for small
2 coastal shark species this year, and I noticed on some of the
3 log book sheets that I've looked at, there's on provision for
4 collecting data on species specific information on the small
5 coastal species. The only thing that's in the sheet is other
6 sharks, and I think that that's not very useful for stock
7 assessment or any other purpose. Thank you.

8 MR. SAMPSON: Thank you very much. What was that
9 log book for, you -- do you recall --

10 MR. DELANEY: Specifically, the charter boat log
11 book does not have any provision for recording the small
12 coastal shark information. And there are -- at least in the
13 South Carolina area, there are charter boats that do target
14 small coastals.

15 A PARTICIPANT: Yep.

16 MR. SAMPSON: Thank you.

17 MR. LELAND: Yeah, thank you. I know this is not
18 where we're going with this, but there's been a couple of
19 comments made, and if you go back to Magnuson, it does not
20 prohibit the sale of recreational caught fish; in fact, it
21 tells you how to do it. It says, the sale of fish caught
22 during commercial, recreational or charter fishing,

1 consistent. So it is in Magnuson that commercial,
2 recreational and charter fishing can sell their catch. Thank
3 you.

4 MR. SAMPSON: Yeah -- I don't want to get into the
5 subject of commercial versus recreational sale. Not here,
6 not now.

7 MS. JOHNSON: Well, sorry about that, but I'm
8 reminding you about the swordfish recreational --

9 MR. SAMPSON: Yes. No, that's good and I'm glad
10 you did, because we're at 12:00. This has been really
11 fruitful. I kind of -- I'd like, for your purposes, to
12 summarize the kinds of things I've learned before I do wrap
13 this up. Gail, you're referring to the fact of that third
14 option at the -- in Buck's presentation, correct, on
15 swordfish monitoring, correct?

16 MS. JOHNSON: I'm referring to one of the things on
17 yesterday's agenda that we didn't get to.

18 MR. SAMPSON: Yes, yes, (inaudible). Before -- can
19 I just put that -- come back to that in a second, Gail? It's
20 12:00. We said we'd break for lunch at 12:00.

21 A PARTICIPANT: That's what we said.

22 MR. SAMPSON: That's what we said. If there are

1 any last comments on this issue, I'd like to hear them, if
2 there's any outstanding comment, and then I'd like to
3 summarize what I learned, because I learned a lot I want to
4 share with you, and then let's try to address how we deal
5 with this issue.

6 So let's do two more presentations from folks we
7 may not have heard from yet on this. Thank you, ma'am.

8 A PARTICIPANT: Linda.

9 MR. SAMPSON: Linda.

10 DR. LUCAS: Linda Lucas. I had an experience with
11 -- I'm an economist, for those of you that don't know, so I'm
12 one of the users of this data, and I had an experience
13 recently trying to do an analysis. And it was the first time
14 that I had gotten log book data, and I got the log book data
15 and I showed it to the fishers I was working with and they
16 said, there's a problem with this. They went back to the
17 agency and talked about it.

18 I'm going to go back to a number of points, and the
19 first one is, do you know yet what is wrong with the log book
20 data? I mean, can you say what the problems are? Because
21 nobody ever -- nobody seemed to know what the problem was
22 with that particular log book data.

1 I've done a lot of work with dealers' surveys and
2 dealer tickets and those things seem to work pretty well to
3 get the economic data. I think one of the problems, we've
4 guys who have got multiple objectives here and we're trying
5 to collect data that serves biological needs as well as
6 economic needs as well as management needs.

7 I also wanted to point out that we need to be
8 careful over all in terms of defining the data, and ask
9 ourselves whether we want the data to define the questions or
10 the questions we want to ask the data, to define the data we
11 collect. And those aren't the same things.

12 I came up with five questions, and that I think, if
13 we can answers these questions with data it'll probably
14 answer just about any question we want in fisheries analysis.

15 And the first one is, what got caught; how did they
16 catch it, which would include vessel information; where did
17 they catch it, that is, did they target -- and did they
18 target it or catch it as bycatch; what did it cost to catch
19 it; and did it get sold, and if it got sold, where did it get
20 sold and what was the price.

21 I think if we answer those five questions, and some
22 more details, we'll probably get everything we could possibly

1 want to know.

2 I don't have any opinion about this electronic
3 stuff. You know, I'm from Florida, and we don't even know
4 how to vote down there. But it did occur to me during this
5 discussion that, you know, having punch cards might be a way
6 to do it, if you watch your chads, you know.

7 I do have one new idea. I have one new idea, and
8 it occurred to me that for the economic data, a lot of it is
9 duplicated. For example, you don't need to know the prices
10 all of the time. It's possible to have a sub-sample
11 reporting things like prices. Excuse me. Is it possible
12 that some of these data could be collected short term?
13 Because once you've got the information, vessel information
14 on a vessel, you've got that information. There's no need to
15 continue to collect it again and again.

16 Again, once you know what gear they're using and
17 what the efficiency of that gear is, you don't need to keep
18 collecting that again and again. So I suspect that there's a
19 lot -- well, I know there's a lot of duplication, and I think
20 that one way to avoid that would be to just have some -- when
21 you first issue the permit, collect data for a certain period
22 of time, and then you could probably stop collecting some of

1 that data, and that would reduce the burden of data
2 collection a little bit.

3 Okay, I think that's all I want to say now.

4 MR. SAMPSON: Thank you very much. In fact, in
5 some ways that's a great segue to what I learned. What I
6 learned was, we need to -- the agency needs to go back and
7 think a lot more about what we want and what our needs are.

8 What I didn't do in my presentation was provide a
9 lot of background material that we've been working on
10 internally. Your comment, Linda, about internal -- trying to
11 meet simultaneous objectives, at the same time in the same
12 book, probably goes at the heart of the problem we're facing
13 internally. We're not the only persons driving the boat, in
14 terms of what that log book does, and there are many purposes
15 and many needs that come out of that book.

16 I heard that in order for us to continue with our
17 discussion internally, we need to get more advice from our
18 scientific folks; we need to get more advice from our legal
19 folks; and we need to get more advice from our financial
20 folks. That pretty much covers that.

21 I heard we need to do it now. I heard we need to
22 step back. I heard we need to wait. I heard we need to

1 hurry up and get along, and I heard we need to work with the
2 ACCSP.

3 I heard we need to stay with brand new -- stay with
4 the existing programs to avoid duplication, and I heard we
5 need to create a brand new program because we need to get our
6 data needs nailed down.

7 I've heard electronics work and I've heard they
8 don't. So here's what we're going to do: we're going to do
9 a prototype. I don't know what this prototype looks like
10 yet. It's going to happen, I hope, within the next year.
11 I'm going to be working closely with the scientists to
12 develop this, and I'm going to try to work on a volunteer
13 basis with different folks in the industry in different
14 areas.

15 It's going to be a test. We're just going to try
16 something. It'll be a way to try to develop some -- it's
17 almost a simultaneous equation: we need some data and some
18 experience to plug into the models to give to the scientists
19 to give to our (inaudible) -- in fact, I heard this as part
20 of a narration that someone suggested. We need to get
21 something going, before you can refine the questions to
22 continue the model.

1 So that's my dream, ambition, to try to do that,
2 and the way I'm going to do it is in partnership with willing
3 participants. So stay tuned. Thank you.

4 Mau, quick question, or --

5 DR. CLAVERIE: Add two people on the to-work-with
6 list: the Gulf States Marine Fisheries Commission and the
7 Panama City Lab.

8 MR. SAMPSON: Okay.

9 DR. CLAVERIE: The Panama City Lab is where the
10 longstanding Gulf of Mexico information system's been --

11 MR. SAMPSON: Mau, we will be in touch. And we
12 are, by the way, heavily integrated with the ACCSP. David?

13 MR. WILMOT: Mark, I don't mean to be dense, but
14 what do you mean by a prototype? Can you, in 20 words, tell
15 me what you're going to put on the table in a year.

16 MR. SAMPSON: Thirty, forty books or electronic
17 programs, I'm not straight yet which one, distributed to
18 different boats, cross sectors, from which we will collect
19 information either in our own data base or someone else's
20 data base, integrated with others, maybe, to determine if
21 that kind of data is meeting our needs; if not, we'll refine
22 it.

1 We do know our needs. I didn't go into a huge
2 discussion with you because our needs are only part of the
3 puzzle. I need stock assessment scientists here to tell you
4 why they need certain data.

5 MR. WILMOT: And again, I don't want to digress,
6 but one of the main points I was trying to make is, yes, you
7 know what your needs are in terms of what you want to plug
8 in. One of the key questions is the quality of the data you
9 are plugging in; that gets directly to the heart of log books
10 along with observer coverage, at an appropriate level.

11 MR. SAMPSON: Well, that raises a --

12 MR. WILMOT: So I don't -- is that part, an
13 integral piece of this? Because I don't know how you could
14 do it. If you simply wanted to collect numbers, the long
15 liners have provided copious amounts of information.

16 MR. SAMPSON: Sure.

17 MR. WILMOT: The question really becomes the
18 quality of the data, without throwing stones. I mean, just
19 what are the qualities? You have to be able to answer that
20 question to go to the next step.

21 MR. SAMPSON: Sure. No, absolutely, the validity
22 of the data is key and it's been one of the underlying

1 concerns with fishery dependent log book information out of
2 the gate.

3 As a small prototype, we could combine a program
4 with observers. We could have our own people that have been
5 working on developing the prototype accompany the vessel, as
6 well.

7 So -- but again --

8 MR. WILMOT: See, I don't think you can do it any
9 other way. I think you have to have the Gene Kramers
10 (phonetic) of the world sit down and say, if your universe is
11 100 boats and they're going to be giving you log books on
12 these specific questions, which were laid out nicely, that
13 allows us to plug it in. But we have to ground truth it with
14 X percent observer coverage, and other methods, that --

15 MR. SAMPSON: Sure.

16 MR. WILMOT: It's the whole package that I think
17 has to be the prototype.

18 MR. SAMPSON: Well, it takes it to the -- it takes
19 the whole level of the discussion to the next level, a new
20 level, but the level of the confidence one has in log book
21 information. And I'm leaving the gate assuming that that's
22 going to have to happen. Glen, you had your hand up?

1 MR. DELANEY: It's just that David had (inaudible)
2 the level of log book coverage, the level of observer
3 coverage (inaudible).

4 MR. SAMPSON: Yep.

5 MR. DELANEY: These observer coverage is
6 (inaudible).

7 MR. SAMPSON: Yes.

8 MR. DELANEY: And if we do that (inaudible).

9 A PARTICIPANT: (Inaudible.)

10 MR. DELANEY: (Inaudible) earlier (inaudible) can't
11 tell (inaudible).

12 MR. DELANEY: Yeah, yes, earlier I did.

13 A PARTICIPANT: (Inaudible.)

14 MR. DELANEY: We know a lot from the 5 percent
15 observer coverage, and Gina's even made calculations on what
16 is the under reporting, and we have that for a particular
17 species even. But I think we -- yeah, across the board,
18 Glen's absolutely right.

19 MR. SAMPSON: Thank you. Peter?

20 MR. WEISS: Yeah, just a question. On this
21 prototype -- could I ask my question? I'm sorry --

22 MR. SAMPSON: I'm sorry (inaudible).

1 MR. WEISS: I'm sorry, on this prototype, is that
2 one form for all the HMS fisheries, or is it different for --
3 are you guys going to have it different for tuna, for --

4 MR. SAMPSON: Well, I'm going to -- I'm going to
5 think -- I'm going to think about that. One of the things
6 that I've been trying to present to you are different options
7 of what we could do. I would like it to be as comprehensive
8 as possible, I think. If it looks like it's better to be
9 just tailored for tuna for particular boats less than 30
10 feet, fine; the cost of that -- the problem with that is, now
11 we've got different forms for different boats.

12 But that's part of the challenge. That's why I
13 sometimes think this electronic thing seems to answer a lot
14 of these questions. A lot of existing data is already
15 plugged in about horse power, vessel length, permit number;
16 you never have to touch it again, it's in there. So all
17 you're doing, I'm going out directly on bluefin -- on
18 bluefish fishing, but as a secondary target, I hit a bluefin;
19 you can record that, too.

20 But anyway, it's a challenge. I think it's going
21 to be kind of fun.

22 What we'd like to do now, I understand, is break

1 for lunch. Gail, your issue will be first up on the agenda
2 when we come back, okay? So what we -- we'll just deal with
3 that at that time; either Buck will present that slide or
4 you'll go up, or -- well, we'll take it at that time.

5 It's 12:00. We were going to break until 1:15.

6 A PARTICIPANT: It's 12:18 now, so --

7 MR. SAMPSON: 1:30?

8 MR. ROGERS: We have one hour. Try to get back
9 here at 1:15. One point of business, a lot of folks are
10 asking about shuttles to the airport and trying to get to the
11 airport tomorrow. Anyone who thinks they're going to take a
12 shuttle, what we'll do is, we'll put up a sign up sheet and
13 put what airport you're going to and what time your flight
14 is, and then we'll try to coordinate, have some shuttles pick
15 you up right out here. So we'll get a sign up sheet out on
16 that table right after lunch.

17 (Interruption to tape.)

18 A PARTICIPANT: -- go ahead and start with what we
19 have --

20 (Interruption to tape.)

21 A PARTICIPANT: Again, I guess we're going to start
22 with a -- Chris had asked if we could spend 15 minutes

1 talking, finishing up last evening's discussion on the
2 monitoring issue.

3 I feel like a schoolteacher. Should I count down
4 from five? Gail, I guess you had some comment on the
5 swordfish? Well, let's wait until everybody stops talking.

6 (Interruption to tape.)

7 MR. SUTTER: All right, let's go ahead and get
8 started here. I'll have to use my father voice and make
9 everybody sit down.

10 Yesterday evening, we went over two out of the
11 three issues related to recreational monitoring, for the
12 issues that are at hand for 2001. And one of the things that
13 we only lightly went over yesterday was the recreational
14 swordfish fishery, and just -- Chris asked if we could spend
15 about 15 minutes on this, finishing up that discussion before
16 Pat jumps in and starts talking about the permits issue.

17 I just wanted to make one real announcement. For
18 the next couple of presentations, the folks that were
19 supposed to do the presentations are ill. There was a baby
20 shower for one of the HMS people; for some reason, whatever
21 they -- either the people brought something in the food or
22 some virus. Everybody who was at the shower got sick. So --

1 A PARTICIPANT: (Inaudible.)

2 MR. SUTTER: -- that's right, except for the
3 lawyer. Who doesn't say something about being a lawyer. No
4 heartier blood or something; I don't know.

5 But anyway, so some of the discuss -- Pat has
6 volunteered to jump in and do the permit stuff. I'm going to
7 be talking about the bycatch, but some of the information
8 will be -- it's not going to be quite as complete,
9 unfortunately, as if we had those people here.

10 So maybe if we can just jump in this quick
11 discussion about the recreational swordfish fishery: the
12 reason that this was brought up as an issue in the safe
13 report was, we have been getting many reports --

14 (End side A, tape 4.)

15 -- both from phone calls and actually been out on a couple of
16 these boats ourselves, down there in the Southeast region on,
17 is expanding -- I say expanding; I mean, it's allegedly
18 expanding, but at least an active recreational swordfish
19 fishery.

20 There are some issues there related to some
21 incidence, or perhaps incidents, of sale of those fish by
22 recreational anglers. And so we've gotten some -- we don't

1 have anything solid, but we wanted to just let people know
2 that these are some issues that are coming up; looking into
3 them. And this is the slide that I put up yesterday
4 afternoon, and I would like to get some feedback on what you
5 folks have heard and what direction you think that we should
6 be taking in the next year or so on this particular fishery.

7 I'm going to let Gail go first, if that's okay,
8 Glen, because she asked that we -- and then like I -- yeah,
9 that would be very helpful to have the -- turn the things
10 there, the -- out of the ICCAT. That seems to be very
11 helpful for us reading impaired people.

12 So Gail, could you go first, please?

13 MS. JOHNSON: Sure. Thank you. I'm going to start
14 off with just reading a real short thing from the Magnuson
15 Act that says, the term "commercial fishing" means fishing in
16 which the fish harvested, either in whole or in part, are
17 intended to enter commerce, or enter commerce through sale,
18 barter or trade. So to my way of thinking, that means that
19 the term "recreational sale" is an oxymoron.

20 In the closed areas, which have just come into
21 place, pelagic long line is prohibited. However, there are
22 recreational hooks being set, cast, trawled, whatever, and

1 there are also the commercial hand gear hooks and whatever
2 else, being used, and the fish are being landed.

3 Not a problem, as long as you have a commercial
4 permit and as long as it's a reasonable size of fishery. But
5 -- and I -- it would be probably exaggerating, although I
6 don't know, to say that this is a reallocation going on, but
7 it's something that you have to keep in mind and keep an eye
8 on, because it could end up being essentially a total
9 reallocation, using essentially, the same gear.

10 The general concept in this whole recreational
11 swordfish, and also getting into recreational and charter
12 head boat catches and disposition of catches, is that in your
13 section ten, you have a bunch of options. And my opinion is,
14 in general, that if you have a commercial permit, directed,
15 incidental or what, HMS permit, then of course you can sell
16 your fish; that's why you're going fishing.

17 If you are a charter boat or a party boat, and you
18 don't have paying passengers, then you have -- and you have a
19 permit to sell them, then of course that's a commercial
20 permit and you may sell them. But if you have paying
21 passengers on there, then you're not; you are a recreational
22 boat and you don't sell those.

1 Going further with this issue of the oxymoron,
2 recreational sale, one huge part of this whole concern is
3 public safety. Swordfish is quite a hardy fish for keeping
4 on a boat, but tuna is not. Commercial boats must take care
5 of their fish: they have to be iced down, they have to be
6 cleaned, everything. If they're not taken perfect care of,
7 you can make people sick. Commercial boats have to have a
8 HISOP (phonetic) plan, which I made for our boat; it was a
9 pain, but we did it. And they -- that is just the most
10 important thing.

11 Down, way down the list on number two, although
12 still important, is that if those fish enter sale, we don't
13 have landing data, we don't have effort data, we don't know
14 anything about that fish except if it makes the newspapers
15 that a bunch of people got sick at such and such a restaurant
16 from tuna. And I'm sorry I'm not more specific, but this is
17 the way I think.

18 MR. SUTTER: I appreciate that, Gail, thank you.
19 And I guess I see a lot of comments up here, and I know that
20 we have allocated a short amount of time to this, so if we
21 can kind of keep the comments sort of like in a public
22 hearing, kind of to a couple of minutes, that would be good,

1 unless -- I mean, I don't want to overly constrain it,
2 because I know it's very important, but if you could just try
3 to make them relatively concise, I'm going to start and start
4 working around to my left, if that's okay. So Liz, could you
5 go first?

6 LIZ: Thanks, Buck, I will be quick. I'm glad you
7 guys included this and brought it up today in the
8 presentation; I think people might have overlooked it
9 otherwise in the safe report, so I'm glad you brought it up.

10 I think, if I recall correctly, one of the
11 objectives of the FMP was to rebuild the swordfish population
12 to the point where there would be a more vibrant recreational
13 fishery. Obviously we're not there yet, on rebuilding. As
14 Gail pointed out, and many people know, the commercial
15 industry for swordfish has really taken some hits. I think
16 we need to be very sensitive to that, while we're watching
17 and expanding recreational fishery.

18 And then more than that, which is a real concern,
19 concerned about an expanding fishery on an over-fished and
20 population that's just early in its rebuilding career. So I
21 would look forward to -- I don't know whether you guys are
22 considering specific options or what the next step is on

1 this, but it certainly shouldn't just go away here.

2 MR. SUTTER: We did mention a few; obviously, we're
3 looking for some other options, as well. I mean, we're at
4 the sort of infancy stage with this one, but like I said, we
5 are aware of our obligation to ICCAT to, you know -- that
6 this is all part of a quota that needs to be monitored, and
7 to set up a monitoring system and to make sure that, you
8 know, how -- you don't -- be careful of expanding, especially
9 in an area, you're right, where it's being closed, and being
10 sensitive to that.

11 Mau, you're next, and then I know that Glen and --
12 (inaudible) after him.

13 DR. CLAVERIE: Well, am I correct that this is
14 mostly or totally within the Florida area? Are any other
15 (inaudible) --

16 MR. SUTTER: Actually, we've had reports all the
17 way up through boats leaving right out of Rhode Island,
18 fishing off of New Jersey. So I mean, it's not just a
19 Florida issue, but that's where we've heard mostly about it.
20 But, because -- especially because it's such a -- so close -
21 - it happens so close to shore. We've actually had some
22 reports of some swordfish being landed in state waters.

1 DR. CLAVERIE: Well, that was one of my questions:
2 it is a close to shore, in some places, and so it's a state
3 -- it's not within the jurisdiction; it's a state deal,
4 unless you go under the ICCAT's jurisdiction, then it would
5 be -- could be under a NMFS deal.

6 But if Florida, if you're landing a fish for sale,
7 you have to -- you have a landing ticket, and that discloses
8 the vessel and the permit involved and the location where the
9 fish was caught, what kind of fishing was being done. So
10 that information should be available, relative to that.

11 The Florida -- in the Gulf of Mexico, there wasn't
12 much of a recreational swordfish fishery, maybe six a year or
13 something like that in the whole Gulf, and so that was never
14 a problem to be reckoned with. But in the Florida area, on
15 the Atlantic side and around the keys I think is where there
16 was a fishery, and it got going pretty good just about the
17 time that the fishery started being fished down to where the
18 fish were too small or too few to fool with. And basically
19 if the fish come back, you can expect that fishery to come
20 back with them.

21 MR. SUTTER: Thank you, Mau, I appreciate the
22 historical perspective there, because that is an important

1 thing to -- helps us focus our efforts. Glen?

2 MR. DELANEY: Just I first wanted to say, Liz, I
3 hope you mis-spoke in that the stated purpose of the FMP is
4 not to rebuild the swordfish stock so that there will be a
5 more vibrant recreational fishery. Is that what it says?

6 LIZ: I'm sorry, I think you misunderstood me.
7 What I was saying was, I thought, if I'm recalling correctly,
8 one of the objectives of the FMP was to help rebuild the
9 swordfish stock, among other things, so there would be a more
10 vibrant recreational fishery.

11 MR. DELANEY: Hmm. Okay.

12 LIZ: But we can double check that. We don't need
13 to get into a debate about that.

14 MR. DELANEY: But in any case, I'll just be right
15 to the point: I think it is completely unacceptable to allow
16 the establishment and growth, and to foster the growth, of a
17 new commercial fishery for swordfish, period. I think
18 that it is completely unacceptable to allow the landing of
19 recreationally harvested swordfish from areas that are closed
20 to pelagic long lining, and I think that it should,
21 consistent with my view, that recreationally caught fish
22 should not be available for sale.

1 So I would propose that there be no sale of
2 swordfish, recreationally caught. If there is going to be a
3 hand gear category, it should exist only outside of the
4 primary enclosures, and that they get the proper
5 documentation, whether it's if they need a HISOP plan or
6 whatever it is, the licenses and permits to be able to sell
7 fish like a commercial fisherman.

8 But I'm totally against their establishment and
9 growth of a new commercial fishery, particularly at the time
10 area enclosures.

11 MR. SUTTER: Thank you, Glen. Nelson?

12 MR. BEIDEMAN: I appreciate and support Glen's
13 comment, and Gail's. This is a health situation, not
14 particularly, you know, with swordfish, but with HMS species
15 period; what we're talking about with recreational sales is a
16 health and seafood safety issue. I recently read that in
17 North Carolina, there has been 22 cases of poisoning from
18 tuna so far this year, where the normal is eight for an
19 entire year. You know, someone may have more information on
20 that, but that's what I've read; I haven't researched it.

21 But HISOP is now moving into requiring, you know,
22 temperature of the water; temperature of the fish when it

1 comes out of the water; temperature of the brine tank on a
2 two hour basis; pull the fish out of the ice, you know, after
3 six hours. I mean, you know, it's getting tighter and
4 tighter and tighter. This is the year 2001. People want
5 safe food. The commercial industry has dedicated itself, and
6 we're under regulations, to provide that.

7 I've been a charter boat captain half my life; I've
8 been a recreational fisherman all my life. When I go
9 recreational fishing, I don't sell my fish. When I have a
10 charter, I don't sell my fish. When I have a day off, you
11 know, with a charter, I used to go out and commercial fish,
12 where you had the permit to sell the fish, and that was okay.

13 This has been an ongoing problem, and it's been
14 getting worse. I'd like to recommend Rachel Husted's
15 (phonetic) work in New Jersey this past summer, which I think
16 somewhat made the problem a little bit better. But, you
17 know, this is a serious thing, and the agency needs to
18 address it.

19 Also, throughout the safe report, I see a lot of
20 different things about, you know, possibly creating loopholes
21 into the limited access system. The loopholes that were
22 inadvertently created are creating problems; I would caution

1 us against, you know, creating any further loopholes what so
2 ever.

3 And also on the issue that Glen brought up, it is a
4 reallocation that's taking place. It is a new commercial
5 fishery that's taking place, with virtually the same gear.
6 It may be different post-release mortality rates, but it's
7 the same gear, comes off the same machine. It should not be
8 allowed to happen.

9 MR. SUTTER: Okay, thank you, Nelson. John, are
10 you next?

11 MR. JOLLY: Yeah, I think we'd agree with the
12 commercial fishermen on this issue. I'm John Jolly, from
13 West Palm Beach Fish Club. We've been looking at this
14 resurgence of our swordfishery in South Florida now for, oh,
15 I guess the last six months, and we are getting a re-entry of
16 many fishermen into the fishery. And the club is
17 particularly concerned about the resurgence of a commercial
18 fishery wrapped in recreational clothing.

19 We agree with your no sale rule, but we don't agree
20 with an unlimited bag limit. And we would suggest that
21 probably one fish per boat a day is a reasonable thing to
22 recommend.

1 I don't know how you got that unlimited bag limit
2 into your program, but we did receive a leaflet that was
3 passed out recently, came in the mail, and it talked about
4 the rules and regulations on the recreational fishery for
5 swordfishing. And we did a little survey. We did a little
6 survey at a marine flea market that we had back the first of
7 March. We interviewed 50 people at random out of 5,000 that
8 came through, and everybody thought that there was a conflict
9 between the no sale rule and an unlimited bag limit for
10 recreational fishing.

11 You need to do some work on that. It may not be
12 biologically significant, but appearances are important.

13 And I think Gail's right; I think Glen is right:
14 it looks like a reallocation of the resource from the
15 commercial sector to the recreational sector. That's not
16 fair.

17 MR. SUTTER: All right, and that's why we're
18 bringing these things up. I think that that was a pamphlet
19 that was put out just summarizing current regulations,
20 because we'd had some quite a few phone calls about that.
21 But obviously it's an issue we're concerned with; that's why
22 we brought this up.

1 Steve, you're next, please.

2 MR. SLOAN: Yeah, I agree with A, just on your
3 monitoring landings, yes, you're correct, this is mostly a
4 night fishery; yes, you're correct the recreational catch
5 should count against incidental quota and not commercial
6 quota.

7 There shouldn't be a sale of swordfish by any
8 recreational fishermen, it's not necessary, but there should
9 be consumption allowed. He takes it home and wants to steak
10 it and feed his family, that's it. You want to put a bag
11 limit of one fish per night, no problem. Also, a size limit;
12 that should be -- that should go with it. Any fish under,
13 what is it, 40 pounds now, or 50, whatever it is, has to be
14 returned.

15 Bang sticks is a method, if he's not allowed to
16 kill it, other than take it, he certainly shouldn't use a
17 bang stick on a small fish; however, if he wants to keep it
18 himself, it's not an IGFA (phonetic) world record commit. He
19 can't use a bang stick to set a record, nor can he use a
20 harpoon, nor -- and there are lengths to the gap and so forth
21 and so on, if he's talking about a record.

22 However, if he wants to take his fish home, he

1 should be allowed, and it should not count against the
2 commercial quota. There should be no sale of swordfish.

3 I just called IGFA headquarters before you sat down
4 here. I asked Mike Leach, the president, and he tells me
5 that in the Fort Lauderdale area and South there are about
6 seven people that go out consistently. A lot of it's
7 opportunistic: you get a beautiful light night, light air,
8 take a drift; you go up with the current, it's a wonderful
9 evening. You play poker, you can do a lot of things fishing
10 for swordfish if you want on a boat.

11 But there are seven people that do this
12 consistently; those people should be stopped from selling
13 their fish. This is your enforcement problem; it is illegal
14 and it should stay that way.

15 As far as the marine protected area goes, if Nelson
16 can't fish there, we can't fish there. I think that's only
17 fair. Those areas are created to get the fish coming back.
18 So that's on that end of it.

19 I do take an issue with three hooks. Most of the
20 guys that fish recreationally have three hooks: 30 feet, 60
21 feet -- let's say 60, 90 and 120; that's the depth, out on
22 the balloon. You're talking about three hooks drifting in

1 the current versus 20 miles, 30 miles of line. It's a big
2 difference, and I don't think you can equate those two.

3 As far as the public safety of swordfish, you have
4 -- we don't have a seafood inspection act yet, but I don't
5 think you should be comparing the sanitary conditions on one
6 vessel versus the other. This is up to your own inspection,
7 and I take with a grain of salt this poisoning business.
8 There are other reasons, botulism, sanitary conditions, the
9 way it's cooked, the way it's handled in the street, that
10 contribute to that. It may not necessarily be the boat
11 itself.

12 So to sum it all up, recreational fishermen, no
13 sale, but they should be permitted to fish and it should
14 count against the incidental quota.

15 MR. DEVNEU: Am I next, Buck?

16 MR. SUTTER: Yeah. Please, if you could, give your
17 name for the -- I just want to make sure we're getting the
18 record correct, make it easier when doing a transcript.

19 A PARTICIPANT: The previous speaker was Steve
20 Sloan.

21 MR. DEVNEU: I'm Jack Devneu.

22 A PARTICIPANT: (Inaudible.)

1 MR. DEVNEU: Not Joe McBride (inaudible). Anyway,
2 Jack Devneu.

3 When I was reading through the safe report and
4 looking at the handout yesterday, I was not only disappointed
5 and dismayed, I was actually frankly appalled at the measures
6 that were suggested for this. In my mind, there is only one
7 alternative, and that is to shut down any fishing for
8 swordfish in the time area enclosures under the FMP.

9 They were closed for conservation reasons. It's
10 the same kind of gear fishing on them. It's -- it doesn't
11 matter what kind of gear they're fishing on, there should be
12 no landing of swordfish from the closed areas, purely and
13 simply. It doesn't even, you know, get to the over all issue
14 of sale and safety; it's a much more well defined universe
15 here.

16 And there -- I'm just amazed that that alternative
17 was not in there, because I think it is the only alternative,
18 and there seems to be a fair amount of support for it;
19 perhaps not shutting down landing altogether, but I think
20 that's where it needs to go. There should be no landing of
21 swordfish, by any means, in the closed areas.

22 MR. SUTTER: Thank you, Jack. I appreciate that.

1 Ellen, I think you're next.

2 MS. PEEL: We certainly agree there should be a bag
3 limit, perhaps one fish per day per vessel, but consistent
4 with Florida law on the other billfish taken from off Florida
5 waters -- or off Florida shores. Certainly minimum size, no
6 sale by recs, and whether -- I think you also should explore
7 whether it should be no sale, period, of any large pelagics
8 taken from those closed areas. Thank you.

9 MR. SUTTER: Thank you, Ellen, and I appreciate the
10 brevity, because I know we're really bumping into the permits
11 things, and I know that that's a -- that a lot of issues have
12 been stuck in that area. Mark? Or I'm sorry, Rom and then
13 Mark.

14 MR. SAMPSON: There we are, all right. Mark
15 Sampson, Ocean City Charter Captains' Association. Yes, I
16 too would just like to reiterate there's an awful lot of
17 recreational fishermen who feel as I, and a lot of you do,
18 too, that there certainly should be no recreational sale of
19 any fish. Recreational sale is an oxymoron. I mean, it just
20 shouldn't be. And hopefully, with adequate enforcement and
21 everything else that we can eliminate that black eye that the
22 recreational fishery sometimes does carry.

1 MR. SUTTER: Okay, Rom, and then I will circle back
2 on this side. Oh, I'm sorry, did I miss you? I apologize.

3 A PARTICIPANT: Actually --

4 MR. WHITAKER: Rom Whitaker of Hatteras Charter
5 Boats. But --

6 (Interruption to tape.)

7 MR. WHITAKER: -- really don't know, you know,
8 where it comes from, but where it was read was in the GSSA,
9 Garden State Seafood Association, report from Noah Sculpey
10 (phonetic). So we can trace it down.

11 MR. SUTTER: Okay, thank you for that
12 clarification. Rich, I'm sorry I missed you.

13 MR. RUAIS: That's okay. I put my thing up late.
14 Without being redundant or taking up time, I just wanted to
15 associate myself with the advice coming from Gail, Glen,
16 Hammer, and John Jolly. Thanks.

17 MR. SUTTER: Pushed the wrong button. Bob, did you
18 have --

19 BOB: Yeah, I can be pretty brief, too. I've been
20 through these discussions in Virginia. We prohibited sale of
21 recreationally caught fish several years back, in 1994, so
22 I've been a participant in that discussion for a long period

1 of time.

2 And one thing that always comes out when you get to
3 the bottom of it is that when the fish are sold, it's a
4 commercial fish; therefore, any fish that are sold should
5 have to comply with an permitting requirements, any vessel
6 safety requirements, enclosure requirements, any quota
7 requirements, etc. So as long as you're doing that as a
8 commercial fishing, the discussion's almost moot.

9 And I wanted to reiterate that and make sure
10 everyone understands that a fish sold should comply with all
11 rules and regulations for commercial fish and net fishery,
12 period, end of paragraph.

13 MR. SUTTER: Mau, did you have another point to
14 make?

15 DR. CLAVERIE: Yeah, I'm on my second time around,
16 if you've got any --

17 MR. SUTTER: Let's go ahead and have your --

18 DR. CLAVERIE: We have that problem in the Gulf to
19 face, that states, some states, allow the sale of what we
20 call recreationally caught fish, but actually, you have to
21 have a commercial license to do it in the state. I can get a
22 commercial license in Louisiana and sell a swordfish, I

1 guess; some species are prohibited in NMFS. But unlike
2 Nelson Hammer, I don't participate anymore in boat fisheries.

3 And anyhow, as I understand the closure for long
4 lining in these areas was specifically to reduce or avoid
5 bycatch of small fish and bycatch species. So now I'm
6 hearing from Glen that if one fishery that has the bycatch
7 problem is not to fish in that area, then no one should fish
8 in that area. And that sounds to me like, if we suffer, you
9 suffer.

10 I also hear that there is a commercial hand line
11 fishery in this area, or could be -- or whether it's
12 recreational, quote recreational or commercial it's a hand
13 line fishery, and I hear from Hammer that it uses the same
14 gear.

15 Well, I guess he means a hook, but that hook isn't
16 left in the water basically unattended for some amount of
17 time; if you get a nibble, you react and you get that fish in
18 as soon as you can, and if it is an undersized swordfish,
19 presumably it is released alive, unlike if you let a gear
20 soak for a long time. If you take put that same hook out on
21 a float or something, let it float around all night, you
22 might have a dead fish in the morning, but that's not what

1 we're talking about.

2 So the idea that it's the same gear, am I confused?

3 Are you talking about hooks or are you talking about the

4 recreational fishermen actually using long lines and the

5 commercial hand line fishery is holding on to a long line?

6 What is this same gear stuff you're talking about?

7 MR. BEIDEMAN: Well, I recognize that, you know,

8 there may be different post release mortalities involved, but

9 I'm talking about the same hook, the same bait; it's hook and

10 line, and basically that's what pelagic long line is, is hook

11 and line. Whether it be an average of, you know, three, 400

12 hooks on the short long line sets off of, you know, Florida

13 straight, or whether it be hundreds of recreational boats

14 with four or five hooks in the water, it's still the same

15 hooks and the same bait in the same area.

16 A PARTICIPANT: Well, I guess I'm saying --

17 MR. BEIDEMAN: And it may well have different post

18 release mortality.

19 A PARTICIPANT: Okay, well, I think that --

20 DR. CLAVERIE: I guess I don't have to beat that

21 point, but that is foolish. It's not the same gear, in

22 respect to the impact on the fish. Now, that's misleading to

1 say so.

2 MR. SUTTER: Well, I think I know we've had this
3 debate before, and I appreciate that we're not going to come
4 to some conclusion on it, right, but I did want to -- I think
5 we've hit some very good points and I appreciate that, and
6 then I'm going to let Irby be the last -- ask if he could be,
7 or are there some other -- oh, I'm sorry, okay. I guess
8 anybody who hasn't had a chance to speak yet, Irby, and then
9 --

10 MR. BASCO: Okay, thank you, Buck. It's been my
11 philosophy for a number of years, and I've been around for a
12 long time, that recreationally caught fish should not be
13 sold. It's not -- a recreational person goes out to fish,
14 and not the reason to catch fish to sell it; they go out for
15 the trip, for the enjoyment of it. And if that recreational
16 angler doesn't want that fish, he can release that fish, or
17 if he wants to keep it, he can do things with it besides
18 sell. And like I say, I find myself in the peculiar
19 situation of agreeing with Nelson on that completely. Thank
20 you.

21 MR. SUTTER: Okay, and Steve? Ellen, did you have
22 another comment, or Steve, did -- because I just don't want

1 to steal too much of the permit time.

2 STEVE: Yeah, I'll try and make it quick. I don't
3 know if everybody remembers the early -- the beginning of the
4 swordfish history in Florida, but the recreational fishery at
5 that time -- and it was very primitive; there was very little
6 understanding of how to even fish for swordfish -- did catch
7 a lot swordfish. I think the first Fort Lauderdale
8 tournament, or the first Miami tournament, caught, in three
9 days of fishing, caught over 80 fish, and quite fairly large
10 fish.

11 So whether that's a good thing or a bad thing I
12 guess depends on which side of the aisle you stand on. I'm
13 not going to argue or even discuss that. But I think it's
14 worth everybody noting that this fishery does, particularly
15 now with a better understanding, better gear, better boats,
16 does have the potential of becoming a significant --
17 significantly increased and a larger presence in the total
18 take of swordfish.

19 And analysis -- and of course, the swordfish
20 doesn't really care once he's on the deck whether he's sold
21 or not; I mean, it's a source of mortality and that's what's
22 important to the stock. I think we're all more or less in

1 agreement that recreationally caught swordfish doesn't get
2 sold, but that may have some influence on the ultimate size
3 of this fishery growth, but it still has the potential, I
4 think particularly in Florida, of becoming a fairly
5 significant source of mortality.

6 MR. SUTTER: Thank you, Steve. Oh, Frank?

7 (Inaudible) Steve, I don't want (inaudible).

8 MR. LELAND: I agree with most of what's been said,
9 but one thing I want to caution: if it's a localized
10 problem, I'd hate to see measures go coats wise that deal
11 with a localized problem. We catch very -- we do catch them
12 on the overnight trips, which is mentioned in the report, and
13 I have a rule of thumb when we're on a two day trip: I go to
14 bed at night; after the third swordfish, I'm to be woken up.
15 The first one I feel we were lucky. The second one was a
16 mistake and if that -- more than three then there's a few
17 around. In the last 10 years I've never been woken up.

18 MR. SUTTER: Okay, yes, Pat, because I know that
19 Steve's already had his chance. I just want to make sure
20 that everybody (inaudible) still hasn't, still gets a chance.

21 But --

22 (Interruption to tape.)

1 A PARTICIPANT: I think -- I think Mau raised an
2 interesting question, here: how do you handle the
3 proposition that a state may issue a commercial license to
4 sell fish, and yet you're out swordfishing and you bring one
5 in? And it's on a recreational boat, but he has a commercial
6 license. Now, who governs, you or the state? That's the
7 question.

8 MR. SUTTER: Well, I think --

9 A PARTICIPANT: That's a rhetorical question, and I
10 think the statement made that these closed areas were started
11 to produce -- to reduce bycatch mortality, certainly should
12 be taken into consideration. However, I still think if it's
13 closed, it's closed for swordfishing, period.

14 MR. SUTTER: Okay, Pat?

15 MS. PERCY: Well, I presume that something was
16 closed for good reason, and if it's closed for good reason,
17 an area, then I think no one belongs in there. And it's an
18 enforcement problem. I also think commercial is commercial,
19 and recreational is just that. Thank you.

20 MR. SUTTER: Thank you. Okay, I guess we're going
21 to have to close this one down. I appreciate a lot of good
22 comments, and I'm sure that this is an issue that we're going

1 to be wrestling with in the very near future. So in that
2 regard, Pat is going to break up and give his presentation.
3 Pat, have you handed out all the --

4 A PARTICIPANT: (Inaudible.)

5 MR. SUTTER: Oh, I'm sorry, Chris is going to do
6 it.

7 A PARTICIPANT: (Inaudible.)

8 MR. SUTTER: Oh. Go ahead.

9 A PARTICIPANT: Yeah. I'm almost in shock. I
10 mean, you know, this panel was pretty much unanimous --
11 appreciate it, take care.

12 MR. ROGERS: All right, we are running behind time
13 and we did try to fit in another discussion this afternoon,
14 at the request of several folks with respect to bycatch
15 reduction initiatives and furthering the objectives of the
16 FMP. We still want to get that in, so I guess we're about 45
17 minutes behind.

18 What I'll ask for the rest of the discussion period
19 is, try to be brief and stick to the subject. I know we've
20 sort of strayed a little bit with this recreational sale
21 discussion, just here as an example. Our regs are clear, the
22 Magnuson Act is clear. It's an enforcement issue. We've

1 gone through this before. If you have direct knowledge of
2 recreational sales being a problem in an area, we have some
3 800 numbers for our enforcement folks; just give them a call,
4 give them the information, they'll follow up on it.

5 And it's as simple as that. It's not a policy
6 discussion; that policy's already been established. The
7 regulations are in place.

8 So let's not belabor those types of discussions
9 where they're not needed. Your time is valuable to us, and
10 we'd like to keep on point for the rest of the afternoon.

11 Our next presentation is a little bit complex, for
12 those who are not familiar with all the intricacies of the
13 various permitting situations that we have constructed in the
14 past. As you're well aware, we did consolidate our
15 regulations because of a presidential initiative back in
16 1996, at least we proposed them, and we finalized them in a
17 consolidated format with the issuance of the HMS FMP. That
18 also finalized the limited access program.

19 So what it left us with was a program that we felt
20 works to a large extent. But even going throughout the rule
21 making process and shortly thereafter in its implementation of
22 issuing permits, we realized that there were some untenable

1 situations: people required to have permits in a certain
2 category that just didn't make sense.

3 I think Pat will go through some examples here.
4 For example, we require that the swordfish permit is only
5 valid when you also have the shark and tuna permits. Well,
6 that makes sense for a pelagic long line vessel, because that
7 gear is taking all those species, but under our limited
8 access qualifying criteria, several squid trawlers qualified
9 for directed swordfish permits, based on the landings, the
10 authorized bycatch that have been taken historically in that
11 fishery, up to five swordfish per trip. So a situation where
12 a squid trawler is required to have a tuna long line permit
13 just doesn't quite make sense.

14 Those are just some of the examples. Pat will give
15 a few more.

16 What we're trying to do is engage you in a
17 discussion as to whether the system is broke and needs to be
18 fixed, or whether we can try to deal with these situations on
19 an individual basis, either through short term issuance of
20 exempted fishing permits or minor modifications to the
21 regulations. Or I guess the more robust approach would be to
22 rethink permitting systems at large, whether we need gear

1 based permits as opposed to species based permits, or
2 something like that.

3 So Pat's going to go through the permitting
4 situation as it currently stands and identify for you some of
5 the examples of problem areas, and hopefully we'll get some
6 feedback on potential fixes.

7 (Interruption to tape.)

8 MR. SHEEDA: -- swordfish -- excuse me, for tuna,
9 and we could establish a recreational permit for each of the
10 species. We could have a recreational swordfish permit, a
11 recreational swordfish permit, a recreational shark permit,
12 or we could just do what we did for the HMS permits, for the
13 charter head boat permit, and establish one Atlantic HMS
14 recreational permit for all HMS.

15 And there's pros and cons to each. Sometimes when
16 you just expand the umbrella of the permit, you lose some of
17 the individual definitions within that. Someone wanted to
18 know, well, how many recreational billfish permits are there?

19 Well, we know how many people have permits that allow them
20 to fish for billfish, but that doesn't necessarily mean they
21 recreationally fish for billfish because they have a permit
22 that's for numerous species.

1 But if you require separate permits for each
2 species, it's more paper work, more permits (inaudible).

3 Several issues on limited access, creating the
4 friction. Here are some options: we could leave the
5 upgrading restrictions status quo, as I went through before;
6 we could eliminate them.

7 Some people claim that you get relatively little
8 bang for your buck conservationwise, as a result of the
9 upgrading restrictions. They create a lot of paper work, can
10 create safety restrictions. If the owner wants to upgrade
11 his vessel, he wants to have a bigger, safer, vessel, you
12 don't really get much conservation benefit out of it. Other
13 -- but then that would make our regulations inconsistent with
14 other regions', which could cause problems.

15 We could limit hold capacity. We've heard that
16 hold capacity might be more of a -- might make more sense to
17 limit, as far as upgrading. We could limit hold capacity, in
18 addition to what we do already: length over all, gross and
19 net tonnage and horsepower, or we could go with hold capacity
20 instead of those parameters. Or we could allow, you know, we
21 could always allow for a greater percentage increase in the
22 various things, length, tonnage and horsepower.

1 (End side A, tape 5.)

2 Or we could create categories, say, if you fall
3 within -- create a category, let's say 30 to 50 feet. So if
4 you're within that, you're allowed to upgrade. So you could
5 -- if you had a 30 foot vessel, you could upgrade it to
6 within anywhere within that band, and then 50 to 70. Again,
7 we'd have to explore these, but that's one option. Because
8 if you have a 30 foot vessel and you have a 10 percent
9 increase, you can only increase your boat by three feet; it's
10 not much.

11 (Inaudible.) The status quo for the limited access
12 permits, so that they must be renewed within one year of
13 expiration, I've talked about before. We could eliminate
14 these renewal, permit renewal time frames. We could lengthen
15 it. We could shorten it.

16 We could apply the same expirations dates for all
17 HMS permits. Right now the tuna permits go on a fishing year
18 basis, from June through the end of May, the following year.

19 The shark and swordfish limited access permits go -- are
20 issued, I believe, on a birth date; that's when they're
21 issued and that's when they expire. They go on that basis.
22 So we could coordinate all the HMS permits.

1 And that's actually it for my presentation. It's a
2 lot, and I could go over several -- you know, several of
3 these slides again, and maybe we should start with some
4 questions first and get some comments. You know if we could
5 raise the lights? (Inaudible.)

6 (Interruption to tape.)

7 MR. BEIDEMAN: There's so many issues up there,
8 nobody could go over all of them in one sitting.

9 Wouldn't it be easier just to have a recreational
10 permit with, you know, whatever endorsements that are
11 appropriate, and a commercial HMS permit with whatever
12 endorsements are appropriate? I mean, that's what we've
13 always envisioned, is that eventually everybody in HMS
14 fisheries would be permitted and counted, and that it would
15 be simplest to have a recreational permit and a commercial
16 permit, and have those appropriate endorsements, such as if
17 you had a limited access for sword of shark or what have you.

18 The pelagic long liners having three mandatory
19 permits, that was really only intended for the pelagic long
20 line fishery. And the intention was to make sure that you
21 didn't have long liners out there that didn't have all the
22 permits necessary to reduce bycatch.

1 On the squid boats, if squid boats are interacting
2 with shark, I believe they should have shark. If they're
3 interacting with tunas, I believe they should have tunas; not
4 a long line tuna permit, but, you know, a permit. But that
5 was really only intended for pelagic long liners, and that
6 was also in the package that had pelagic long line incidental
7 category at 15 fish per trip, instead of the two that was in
8 the final.

9 I know I've skipped half a dozen issues, but on the
10 licensed captain, I think that's only when there's a hired,
11 you know, fee paying, barter or trade passenger on board.
12 And the Coast Guard doesn't make any numbers. I mean, if
13 there's one hired passenger, then you've got to have a
14 licensed captain. And that's the way it's been forever, as
15 far as I know.

16 If, you know, if there aren't hired passengers and
17 you're out on a commercial trip, I don't see that any hired -
18 - you know, any licensed captain would be necessary.

19 On the upgrading restrictions, first off, we're not
20 taking our quota, our swordfish quota. This past year, we
21 gave away 400 metric tons to Japan for many, many reasons,
22 many good reasons, especially to keep that 400 pound metric

1 tons under Dave Wilmot's conservation umbrella; it also
2 helped with other things. But if we don't take our quota,
3 we'll lose it. There's no two ways about that. We'll lose
4 it to Spain, Japan, Portugal, Brazil, Taiwan, China. And
5 most of these countries don't have the reporting and
6 conservation ethics and everything that we have. Bycatch
7 could get immensely worse.

8 So I think that needs to be considered. And on the
9 upgrading, we've always told the agency that horsepower and
10 length, they are problematic, and not just inappropriate for
11 the pelagic long line fishery, but also problematic. Because
12 now you've got 45, 55 smaller boats out of business on the
13 East Coast of Florida, Charleston, and those boats don't have
14 the ability to upgrade into something that would be safe to
15 fish outside of the swordfish nursery areas. They're just
16 completely locked out.

17 Now, some of them are still out there trying to pay
18 their bills. And there have been, you know, safety problems
19 already. During February, in particular, there was a storm,
20 there was a lot of damage. One bottom long line boat was
21 recently lost, I believe in North Carolina. But, you know,
22 they need some ability to upgrade. And what we've always

1 said is, limit the hold, limit the fish hold; that's where
2 the rubber meets the road, as far as, you know, capacity, you
3 know, in the fishery. Limit the fish hold, don't limit the
4 length or the horsepower, so that they can have larger boats
5 that can fish, you know, more safely and outside of the
6 nursery closed areas.

7 On the permit renewal, I would say, status quo.
8 And I hate to say it, but there are probably folks out there
9 that will lose their limited access permits, because they
10 don't renew in a one year time.

11 A PARTICIPANT: Thanks, Nelson. Who was next?
12 Ann?

13 A PARTICIPANT: (Inaudible.)

14 A PARTICIPANT: Was it Bob Pride?

15 MR. PRIDE: Bob Pride. I just wanted to reiterate
16 that our earlier conversation today about monitoring and
17 reporting, this permitting ties right back into it. I mean,
18 we're talking about an integrated package, and once again, I
19 think that the Service needs to tell the community what they
20 need to monitor these fisheries and meet their obligations
21 under the plans, to achieve the plan objective. And that
22 should tell you what the permitting system should be. It

1 certainly makes a lot of sense to simplify it, for everyone's
2 perspective.

3 We talked about commercial endorsements this
4 morning. In the recreational fishery, I don't think that
5 you'd get anywhere with endorsements, because everybody would
6 take every endorsement, so there is no limited entry, per se.

7 So I think that in the recreational fisheries, to follow the
8 idea of a permit that just is an HMS permit or a pelagic
9 permit, would probably be the way to go, just like you've
10 done with charter boats. Thank you.

11 A PARTICIPANT: Thanks, Bob. Mau?

12 DR. CLAVERIE: Thank you. Several things, but I
13 have to go through all this to get to them all. I couldn't
14 find it, but you said, renew the permits on the charter boats
15 every year. I couldn't find that section in there, but we
16 just passed last week a plan amendment to require for-hire,
17 what you call charter head boat, limited entry into the
18 permit situation, and we said every two years it had to be
19 renewed. And we had a reason for saying two years instead of
20 one year, and I'll be damned if I can remember what it was,
21 there was so much going on.

22 But there -- so that ought to be coordinated,

1 because that permit now would go in your charter head boat
2 permits on the third page, it says, currently only needed for
3 vessels fishing for Atlantic tunas.

4 Well, if this gets into effect in the Gulf, any
5 for-hire vessel -- and we use that term because there's a lot
6 of discrepancies in different definitions of charter boats
7 and head boats, depending on whether you're coming from the
8 Coast Guard or somewhere else or somewhere else, or this
9 agency or if you're answering questions on a survey and all,
10 so we call it for-hire.

11 But you would need -- the permit is going to be for
12 reef fish, for coastal pelagics, and soon dolphin wahoo.

13 So that's the permit I'm talking about, that the
14 charter boat people in the Gulf asked, that just add HMS to
15 that if HMS wants to have an HMS permit. Whatever you do, it
16 would be one document with endorsements, I think is what it
17 was called.

18 The other thing is that whenever we have a no
19 renewal after one year or something like that, to get rid of
20 latent permits, we usually have some kind of hardship
21 situation or explanation, other than just the boat's out of
22 the Service. Somebody could be sick for that long, or

1 injured and, you know, out of -- his wife doesn't know what
2 to do with permits and that kind of thing. So with some kind
3 of hardship review panel of some kind, it could be the
4 regional administrator or the state directors or something
5 like that, we'd usually come up with.

6 And there was another thing I said -- yeah, in your
7 -- defining a charter head boat trip, we define them
8 differently. In other words, head boats is defined as over
9 so many passengers, and charter is defined as under so many
10 passengers.

11 Most common use is, if you step on the boat and pay
12 X dollars to stand at the rail, it's a head boat. In other
13 words, they take on paying passengers by the head. If you
14 charter the whole vessel for however many people are going to
15 go on it, then that's a charter trip. Under the NMFS
16 definition, it's different than that. Under the definitions
17 for counting -- in some of the surveys, it's different than
18 that still. But if at least one person is aboard who's
19 paying, that's a for-hire trip.

20 And I don't -- that's the way we do it in the Gulf,
21 and if you do it differently, then you would have more
22 confusion, because if it's an HMS trip, it's not a charter

1 trip unless there are six -- four passengers or more, whereas
2 if it's -- if they're going to get snapper on the way or
3 something, it's a charter trip just because there's one
4 aboard. So that -- all those things need to be coordinated,
5 please.

6 And then I got to make my general comment:
7 apparently these permits are for the purpose of keeping count
8 of how many boats are doing what, and so therefore it should
9 really be registration instead of permit, unless it's going
10 to be used to restrict the number of people participating in
11 the fishery or for enforcement purposes. If it's strictly
12 for scientific data gathering purposes, you ought to go with
13 registration. There's a lot of feelings about that in the
14 Gulf Council area.

15 A PARTICIPANT: Thanks, Mau. Steve Sloan, then
16 Frank.

17 (Interruption to tape.)

18 MR. SLOAN: -- excuse me, six pack is regulated by
19 the Coast Guard under certain equipment requirements, and
20 Mau, that's -- so you have six and under, is one charter
21 boat; six and over is usually a head boat; not necessarily,
22 but -- there are a few eight packs, but mostly it's a six

1 pack thing.

2 Secondly, the vessels are documented. So
3 therefore, what I am suggesting is that anybody in this
4 fishery have a documented vessel. That puts a little more
5 onus on total recreational fishing boats, but you have a
6 documented vessel. There are Coast Guard regulations, etc.,
7 and it's just a piece of paper you file with the Coast Guard;
8 i.e., there could be inspections, too. But that doesn't
9 hurt, in my opinion; it only helps safety.

10 So you've got two categories in charter boats: six
11 packs and above. So that's certain.

12 The words long line tuna permit, I want to ask
13 Nelson a question. Nelson, are there any boats out there
14 fishing that don't have at least two or three? Most of them
15 have three, don't they, all the time?

16 MR. BEIDEMAN: Yeah, they're required to have
17 three.

18 MR. SLOAN: So why do we have three permits? If
19 everybody has three, why make it one? I mean, that certainly
20 cuts the paper work down, and as Gail said before, you don't
21 have your windshield plastered with all these things, and
22 just at the moment that that lobster pot is obliterated when

1 you're looking through the window. I don't know why we need
2 all these three.

3 The second point to that is, as I remember, there
4 was a hand line category in here in tuna, and the boats that
5 I saw fishing commercially off Montauk, Shinicock (phonetic),
6 Block Island, et cetera, had a hand line over board while
7 they were hauling back for squid or ground fish or whatever.

8 There was an opportunity there where they could drop over a
9 hand line a catch a giant. They would go into the commercial
10 category under hand line.

11 I don't know if you've confused long line tuna with
12 hand line tuna; I'm not sure. But if you haven't, hand line
13 tunas are certainly a way of fishing for them, so you've got
14 to consider that.

15 The next point is, okay, yes -- this is erroneous,
16 in options defining a charter head boat trip. If I was world
17 record fishing, which I've done a lot of, I wouldn't want
18 anybody on the boat with me. I might be on a fish four,
19 five, six hours. I monopolize the boat, because I went out
20 to do something, to do -- you know, create what I call
21 something that I enjoy. So I'm the only guy on the boat, but
22 I've chartered it. And that happens all over the United

1 States. So the fact that you're saying four -- that's a
2 (inaudible). If the boat's for hire, it's for hire.

3 By the way, there are some people that dove tail
4 back. They dove tail a true recreational boat with a charter
5 boat. I myself did it. When I didn't use my boat, I would
6 charter it to people that would enjoy a certain kind of
7 fishing. So one time we're charter it, and the other time, I
8 used it myself. That happens a lot. It's a way of defraying
9 costs, etc.

10 So you've got to -- I don't think you should have
11 any definition in there of less than four or more than one.
12 It's a six pack or it's not.

13 Let's see, in the shark fishery, I must tell you
14 that this was almost exclusively a recreational fishery,
15 starting with Kip Barrington, Ernest Hemingway, Mike Lerner,
16 back in the '50s. And if you're interested, a wonderful book
17 called, In the Slick of the Cricket, which is the story of
18 Frank Munderson that started shark fishing in Montauk. It
19 was 100 percent recreational at one time, no commercial.

20 So if a guy wants to catch a record, we've got to
21 accommodate that catch somehow. He has to weigh it. We
22 don't allow weighing big pelagics at sea, so I don't know how

1 we do that, but okay.

2 Now, here's one thing that -- Nelson mentioned it,
3 but I certainly agree with it. Maybe -- I don't know if
4 Nelson did. Well, whatever. You have to put on these
5 permits the capacity of the hold, of the fish. In other
6 words, what can boat A, B, C to 143, 220 -- what can they
7 carry? If he's a 48 foot boat, what's his capacity? And
8 then you can start to control your bycatch by saying,
9 whatever you catch goes in the hold.

10 I don't care what it is. It's up to us to find
11 marketing methods for that catch. And we don't have
12 discards, we don't have I-grading (phonetic), we don't have
13 all that stuff that we don't like. Nobody likes it. I don't
14 know how many times Nelson Beideman said, I hate throwing the
15 dead fish overboard, but I'm compelled to do it.

16 If you have a capacity for each vessel, including
17 recreational charger boats -- a lot of guys build a big fish
18 box; that's their capacity. So now you get control over
19 tonnage, and whatever you catch goes in the box, and that box
20 gets filled up whatever, could be a lousy trip with more
21 sharks than tunas or swordfish, but that's it, it's got to
22 find a market. And today, with airplanes and quick freeze

1 and distribution and everything else, that shouldn't be too
2 big a problem for the fishing industry.

3 Also, part of the permit should have a picture of
4 the profile of the boat. This helps in enforcement. The
5 boats -- every boat is rigged differently; I don't think
6 there are two alike, usually. And the profile, a picture of
7 the profile of the boat should accompany the license.

8 I went over documentation, put everything in the
9 hold. And the renewals, again, if you can narrow this down
10 from three permits to one and get your -- close it in, I
11 don't think you'll have so much of a problem picking a due
12 date on the renewals. And I agree with Mau that if there's a
13 hardship case, there should be a box saying, explanation, and
14 I was sick, I was in the hospital, whatever it was. I don't
15 think the guy should lose his permit because he's a couple of
16 months late, if he was really, truly incapacitated.

17 A PARTICIPANT: Thanks, Steve. I just want to take
18 a sec to clarify what that option was, about defining a
19 charter head boat trip. It would be if a vessel takes
20 someone for hire, no matter if it's just one person or 10
21 people, that's a charter boat trip. But in -- but also, any
22 trip with four or more people on a boat with -- that has that

1 kind of permit would be a charter trip.

2 Now, this is --

3 MR. SLOAN: Well, wait a minute.

4 MR. SHEEDA: Because this is what would happen --

5 MR. SLOAN: Is that -- are you saying any boat with
6 four or more?

7 MR. SHEEDA: No, you have your -- you have the HMS
8 charter boat permit.

9 MR. SLOAN: Right.

10 MR. SHEEDA: Okay, so you have your charter boat
11 permit, and defining whether or not you're on a charter, this
12 is a charter trip, or just a -- or a non -- it could be
13 recreational for yourself, or a commercial trip, you -- it's
14 chartered if you take paying people out, or if you have -- so
15 it's a -- so one or the other. It's either -- either of
16 these two things would get you to that.

17 Because let me tell you why it just can't be, just
18 saying if you have people on board, paying passengers on
19 board. It wouldn't work, because people have -- a boat takes
20 out people for hire, five people, let's say. And what he
21 wants to do is, he wants to have these people keep as many
22 yellowfin as he wants. So he gets -- so if the Coast Guard

1 or someone boarded him, he could say, don't -- this isn't a
2 charter. Tell these guys that -- tell these guys that this
3 was not a charter, therefore the recreational limits wouldn't
4 apply.

5 That's why you would have that secondary
6 restriction, where if it's four or more people, it's
7 considered a chartered trip, and the recreational limit
8 applies. That's why that would be there.

9 But in those cases where it's less than four, if
10 it's a paying charter, then the bag limit would still fly.
11 And this --

12 A PARTICIPANT: All right, well --

13 MR. SHEEDA: And that is how the Southeast region
14 NMFS permits regulations read, for defining what is a charter
15 trip. So that would be making our regulations consistent
16 with what is in the Southeast regs.

17 A PARTICIPANT: Pat, what would you do with this?

18 I was invited to fish the Cape May tournament, where Dick
19 whoever has it. I got -- I was on a Viking 60-footer. I get
20 down to the boat the night before, and I said, I'm ready to
21 go.

22 The next morning he says, well, I already have

1 eight people. Now, this is a corporately owned boat that's
2 going out, and he'd have eight lines out. Every angler
3 (inaudible), I figured, A, I'd never get a chance to even
4 (inaudible) and B, I'd have to knock somebody over to get to
5 the rod.

6 But this is a corporate-owned boat; the man is in
7 business. He takes his clients out to entertain them. He's
8 not a charter boat, by any stretch. What do you do with
9 that?

10 MR. SHEEDA: Okay, does he have that -- I mean, I
11 don't see what the problem is. Does he -- he has the
12 chartered license, though?

13 A PARTICIPANT: Well, he has a -- he's -- let's
14 see, he would be an angling category, tuna angler, and he had
15 a billfish whatever.

16 MR. SHEEDA: Okay, so he's subject to the three
17 fish limit, per person.

18 A PARTICIPANT: Okay.

19 MR. SHEEDA: No -- I mean, it's no -- you know,
20 it's not much of an issue there. It's pretty simple.

21 A PARTICIPANT: Okay.

22 MR. SHEEDA: Anyway, let's get to some more people.

1 I think Frank, you're next.

2 MR. LELAND: Okay, thank you. I'll address that
3 one first. I've got 112 boats. We go out 100 miles offshore
4 to catch yellowfin. I don't really think I should be
5 restricted to taking four or less people out if I want to go
6 commercially. And if I do that, I'm only going to have a
7 three fish bag limit, so I can catch a total of 12 fish to
8 take a hundred-foot boat 100 miles offshore? That doesn't
9 work.

10 MR. SHEEDA: All right, just quickly, though,
11 Frank, I mean, that would apply -- you don't have a six pack
12 license, though, for that boat?

13 MR. LELAND: No.

14 MR. SHEEDA: You have -- your -- so that, what I
15 was talking about, was for six pack permitted vessels. So
16 (inaudible).

17 MR. LELAND: Well, it is a party boat; it's going
18 to have a party and charter boat license.

19 MR. SHEEDA: Right, and they have -- right, but the
20 other part of that option was, say, do you have the required
21 number of crew? Is there a crew number that you're supposed
22 to have on the boat?

1 MR. LELAND: Based on the number of people. I
2 mean, I can go with as little as two crew, if there's no
3 people on board. So if I had three people, I may be over
4 what the required crew is (inaudible) over 12 hours and it
5 gets tricky.

6 MR. SHEEDA: Yeah, I'm saying -- okay, so it's --
7 your crew requirement is related to the number of people on
8 board?

9 MR. LELAND: Right.

10 MR. SHEEDA: Okay.

11 MR. LELAND: And the amount of time that you're
12 out.

13 The other thing is, I just mis-spoke myself, with
14 one thing that I noticed in the slides. As far as license,
15 boats are not licenses to carry passengers. We have licensed
16 operators, but we're not -- it's used a lot interchangeably,
17 and it shouldn't be.

18 One thing I think we should consider is operators'
19 permits for all categories. We do it in the Northeast for
20 multi-species, and it's something that follows an operator
21 around from boat to boat. Or if you wanted -- if you have a
22 violation, it's something you can go against the operator,

1 who may not necessarily be the boat owner. So a boat
2 couldn't get tied up and lose its permit, and that operator
3 could just go on to a different boat. So if we had
4 operators' permits, I think it's something that we should be
5 looking at.

6 As far as party and charter boats, I think there
7 should be one permit up and down the coast, with the
8 different endorsements on it, so you don't have, you know, a
9 lot of different permits.

10 As far as -- I agree with the one year renewal;
11 however, I think NMFS should make a better attempt on
12 informing people. I know it's people's responsibility to
13 renew their permits, but quite often, I know in the swordfish
14 hand gear permit, most people were not notified, and a lot of
15 them had expired. I mean, everybody should get them within
16 the first year, but I know that there was some confusion
17 there, especially, I think, when it left from Silver Spring
18 without the South Atlantic. I know there was quite a bit of
19 confusion.

20 I'm not sure of the need for upgrade restrictions
21 on the hand gear permit, because I think it's a two fish
22 limit anyway. So I'm not sure what the upgrade restriction

1 there, what it would accomplish.

2 On the hand gear permit, also, a good percentage of
3 them are held by party and charter boats. If you restricted
4 the party and charter boats from catching a swordfish while
5 it had a charter on board, you're probably restricting a good
6 percentage of -- I think there's only 103 permits out there
7 to begin with. I don't see where that's necessary.

8 And as far as having a licensed captain on board,
9 if you have a licensed captain on board and if it's a
10 charter, I don't think that works. And if you don't have the
11 licensed captain on board, you're restricting somebody who
12 owns his own boat from going commercially. So you're in a
13 catch-22: if you're a licensed person and you don't want to
14 take a charter, you couldn't be on your own boat. So that's
15 something I don't think would work, either.

16 MR. SHEEDA: Thanks, Frank. Bob Hueter?

17 DR. HUETER: Thanks, Pat. Just a couple of
18 questions on the shark permits. Under the options for
19 charter boats and head boats, you stated that they -- one
20 option is to require them to follow recreational limits
21 during a closure, when a quota's filled. Does that mean that
22 right now they don't have to, that they can actually fish

1 essentially as commercial vessels, and under a quota, if they
2 have a shark permit?

3 MR. SHEEDA: Right now, if this situation occurred,
4 which is that a vessel has an HMS charter head boat permit
5 and they also have a commercial shark permit, and the shark
6 fishery closed, I don't think we've come into -- we haven't
7 had this yet, because the charter head boat permits haven't
8 started yet; they start in June. They would be required to
9 fish under the recreational limits; they wouldn't be allowed
10 to fish commercially. That's how I think that it currently
11 stands right now.

12 DR. HUETER: I don't know how widespread that is,
13 but it surprises me and I would suggest that that's a bad
14 situation. That boat has to decide whether it's a
15 recreational charter head boat or a commercial boat.

16 And the next item down, or one of the items down
17 below that, was an option of prohibiting those boats from
18 selling the sharks, and I'd say absolutely yes, based on all
19 the arguments we heard earlier today. And that would
20 eliminate the first issue that I brought up, that they should
21 be just fishing under the recreational limits, period, I
22 think, if they're operating essentially as sport vessels.

1 The last point is, you stated that there's no
2 recreational permitting for sharks. Correct me if I'm wrong;
3 I thought that in the original FMP for sharks that
4 tournaments had to obtain permits.

5 MR. SHEEDA: I guess I was speaking about vessel
6 permitting.

7 DR. HUETER: Yeah.

8 MR. SHEEDA: So not the tournaments. So there is a
9 tournament registration, and I believe you need to list the
10 vessels that are participating in the tournament in that. So
11 in that sense --

12 DR. HUETER: And mandatory reporting -- and I would
13 really urge you to not lose that. And make sure that shark
14 tournaments are permitted before they're run, because even
15 though these are pretty much died out, there are still ones
16 that are not run very responsibly. And they probable -- I'm
17 sure there is tournaments that go where they don't even know
18 what the prohibited species are right now, for example. So
19 please keep that in there and please keep mandatory reporting
20 in there, as well. Thank you.

21 MR. SHEEDA: Thank you, Bob. Ellen's next, Ellen
22 Peel. No? Nothing? Rom?

1 MR. WHITAKER: Okay, Rom Whitaker, Hatteras Charter
2 Boat Association. A couple of issues. There are so many
3 issues in here. I mean, you have a boat permit; the tunas
4 permit, which basically goes with the boat; you're talking
5 about a captain's license that goes to the person. As Frank
6 was pointing out, there are a lot of different issues here,
7 and I almost feel like we're making a mountain out of a
8 molehill.

9 The process is working pretty good. And to bring
10 an example, I think a lot of people are having a problem with
11 this number deal, how many -- how to handle that. Well, in
12 our area, the South Atlantic, one day I may take six people
13 out and go keen mackerel fishing, and I have to abide by the
14 three per person bag limit. The next day, I might not have a
15 charter; I want to go keen mackerel fishing commercially. I
16 go out. The Coast Guard boards me. They say I've got over
17 my bag limit. Well, the South Atlantic provides that I can't
18 have over three people on my boat, if I'm commercial fishing.
19 I think this is a pretty simple answer.

20 I can relate with Frank, though; we have a head
21 boat in our area, and occasionally he might want to go
22 commercial fishing. And I guess the stipulation for that

1 would maybe -- I feel like if you went with boats over 65
2 feet, and go with maybe a crew of five, that you would pretty
3 well take it in. I don't know if that would cover you or
4 not, but I feel like that might be a simple way to handle
5 that problem.

6 As far as the permits go, I feel like that we're
7 headed in the right direction. Let's add the HMS to the tuna
8 portion of it, and maybe combine with the coastal pelagics,
9 and let's get it all into one permit with endorsements, and
10 be sure and keep the recreational and the commercial
11 separated. Personally, I feel like the charter head boats
12 come under the commercial part of it. But I feel like the
13 ACCSP can help solve those problems. Thank you.

14 MR. SHEEDA: Thanks, Rom. So you're basically in
15 favor of something similar to what the Southeast has in their
16 regs, about the three or less can be commercial and four or
17 more -- with some other exception for head boats, you're
18 talking about? Thanks.

19 And I think Mau, I think you have something else?

20 DR. CLAVERIE: Yeah, I knew I'd forget something.
21 Steve reminded me that what we just did last week on the Gulf
22 Council, you're required to have a U.S. Coast Guard license

1 if you're operating a charter head boat for-hire boat, and we
2 acknowledge that.

3 But we also have that if -- and the licenses are
4 transferrable. They're under a moratorium; no more can be
5 issued, but they're transferrable. And you can transfer it
6 from one boat to another, but you cannot upgrade the number
7 of passengers that it can carry for hire. So that would be
8 the charter boat equivalent of the hold limit on a commercial
9 vessel, I guess.

10 MR. SHEEDA: Thanks, Mau. Gail?

11 MS. JOHNSON: Thank you. Gail Johnson. This is
12 incredibly complicated. I was feeling sorry for myself about
13 commercial hassles, but I guess I didn't know the half of it.

14 About a gear-based permit: conceptually that's a
15 really good idea. Our boat, though, does pelagic long
16 lining, and then in year past has done bottom ground fish
17 hooking. So that's long lining on the bottom. And I would
18 urge you that if it's a gear-based permit, you know, to just
19 be mindful of the different ways that boats are used, the
20 different gears they use.

21 About the hold capacity as a measure of upgrading,
22 that is the way to go. However, you can't really do it by

1 how many pounds of fish you hold, because you can't pack as
2 many swordfish in a -- or tunas in a hold as you can some
3 industrial fish. So it needs to be in cubic feet or cubic
4 meters, whatever.

5 And on the upgrading issue, you've already heard
6 that long liners, pelagic long line, does not lend itself to
7 horse power or the length of the boat; it is hold capacity.

8 And I -- sorry, but I am going to digress just a
9 little bit. The U.S. fleet, there are only I think something
10 like three relatively new boats in it. We have an old and
11 aging fleet. We are surrounded with competitors who use
12 their distant water fishery as an employment project to keep
13 replacing and rebuilding boats. So just keep that in mind,
14 also, that some of these boats are getting a lot of age on
15 them. And most of us take really good care of them, because
16 they are our life and our livelihoods, but you can only keep
17 them going so long. And it's tough to upgrade and not
18 improve.

19 MR. SHEEDA: Thank you, Gail. Anyone else from the
20 AP? Nelson?

21 MR. BEIDEMAN: I'm still completely confused about
22 this numbers of passengers on charter boats, sorry. But to

1 the Coast Guard, okay, if you have any paying passenger,
2 you've got to have a licensed captain. And you've got two
3 things on that boat: one is the captain's license, six pack,
4 charter boat license, and that's issued to that person and
5 that can go from one boat to another to another, as long as
6 it's only applied for a six pack charter boat; and two,
7 you've got inspections -- what is it, subchapter T
8 inspection, which happens on an annual basis, and that goes
9 with the boat.

10 But making a difference --

11 A PARTICIPANT: (Inaudible.)

12 MR. SHEEDA: Yeah, there's no inspection on six or
13 less, only on six -- over six.

14 MR. BEIDEMAN: Okay, only over six. Subchapter T?

15 MR. SHEEDA: Yeah, subchapter T.

16 MR. BEIDEMAN: Okay. Well, none of that has any
17 relevance to whether it's commercial or recreational, and
18 just having a number of persons split to determine whether
19 it's commercial or recreational, that just doesn't make logic
20 to me. I'm missing something here; maybe you can help me.

21 MR. SHEEDA: I think I need some help as well,
22 trying to think about this stuff here. The reason why

1 something like this is needed -- and again, someone -- let's
2 take the example, we have someone who, with the Atlantic
3 tunas permit, charter boat permit, you can be allowed to sell
4 your tunas. So someone who doesn't necessarily take charters
5 but fishes more recreationally, but likes to -- but wants to
6 sell his fish, could get the charter head boat permit, sell
7 his fish, and again, not be subject to the recreational
8 limits.

9 So that's why we're -- that's where this per person
10 -- and even though -- and say if he's taking out a charter,
11 he could -- again, he could say that -- well, tell his people
12 on board, don't tell them that this is a charter; this is --
13 it's a private trip, you guys are working with me, we're not
14 subject to the recreational limit. That's why that per
15 person on board limit is there.

16 It's doesn't cover everything. It doesn't --
17 because you could have a charter boat trip with less than
18 four people. It doesn't cover everything. So the way it's
19 written in the Southeast regs is that if you have -- if
20 you're taking paying passengers, or if you have four or more
21 people on board, it's considered a charter trip and the
22 recreational regs apply.

1 Generally because when guys who have charter boat
2 captains, at least from what we've heard -- charter vessels,
3 what we've heard, when they go commercially fishing, they
4 generally take less people on board, compared to when they
5 take out charters.

6 So it's trying to fit the permitting and catch
7 restrictions to what people are doing. It doesn't fit
8 perfectly, but it's trying to tweak the regulations to
9 generally have them fit with what people do.

10 I don't know if that really helped. Maybe Rom
11 could explain it better.

12 MR. WHITAKER: Well, Nelson, I think what they're
13 trying to keep from happening is for me taking four or five
14 guys out there and the tunas happen to be biting real good,
15 and we say oh, let's catch 50 today. And the Coast Guard
16 boards me and I just tell those guys, well, just tell them
17 we're commercial fishing today, so therefore, you know, I'm
18 legal.

19 So I think that was the intent of limiting the
20 number of people. So I don't know if that answers your
21 question or not, but I think that's the intent of it.

22 MR. BEIDEMAN: Well, what I'm seeing is like a huge

1 loophole, a huge loophole, and basically what I see it as is
2 circumventing the ICCAT recommendations that were behind the
3 three yellowfin tuna bag limit to begin with.

4 I don't know that we would have any credibility in
5 saying that we've addressed that, when we make a loophole
6 that, well, if you have five and six people, then that's
7 recreational; if you have four or less people, that's not. I
8 see this as a huge problem when it comes to recreational
9 sales, which again, is (inaudible) fishing.

10 MR. SHEEDA: Point taken. Let's go to Steve, and I
11 think we have some people in the public I see; some other
12 folks from NMFS might want to discuss this, as well. Steve?
13 Turn your microphone on, Steve.

14 MR. BERKLEY: He's correct on the license for the
15 captain. Fifty tons and over to 100 is one license; 100 tons
16 is another license; 250 tons is another license; unrestricted
17 would be an oil tanker that's got a million gallons on board.

18 But under 50 tons is normally the six pack boats, and that's
19 where that license comes in to the captain.

20 Now, I don't remember a three yellowfin bag limit
21 at ICCAT. I do remember the National Marine Fisheries
22 Service imposing a three limit bag limit. So that was now

1 the part of a law suit which was, quote, capricious and
2 arbitrary on the bag limit. So I don't think that applies to
3 us. And that case is still in the courts and we'll find out
4 whether or not it prevails in them.

5 But Pat, I think you're trying to close up some
6 kind of -- it is a little loophole, where a guy can -- that
7 fishes commercially one day and recreationally the next. But
8 if he sells his fish, and you have fish dealers involved that
9 are buying those fish, you've got a chain, you've got the
10 money, you've got tax returns. You've got all kinds of ways
11 of finding out what's going on, so I don't see the problem.

12 MR. SHEEDA: Thanks, Steve.

13 MR. BEIDEMAN: There's, I believe, a few
14 enforcement guys that are sitting right behind us here.
15 Perhaps we could ask them if they have any thoughts on this,
16 because I'm sure they've had to address it at a different
17 approach, a different perspective.

18 MR. SHEEDA: George or Paul?

19 MR. RAYMOND: Yeah, Paul Raymond. I'm with
20 Southeast enforcement with NMFS.

21 You're absolutely correct: the mackerel permits,
22 from way back when, became simplified because certain boats

1 at one time, a small percentage, would hold a commercial
2 permit for mackerel and a charter boat permit. And they
3 would -- it was actually in reverse: they would go out on
4 their charter -- it was a small percentage, but they'd go out
5 on their charter and they would befriend the patrons on board
6 the boat, and they'd get into a lot of fish and they'd land
7 commercial quantities. When enforcement did the boardings on
8 this handful of boats, everybody on that boat would tell you
9 that they were friends and they were commercial fishing.

10 So they actually closed the loophole. We actually
11 closed the loophole; I don't think we were creating a
12 loophole here. We closed this loophole by saying, in those
13 instances where you have a commercial permit and you're a
14 charter boat man, that you're going to be considered under
15 charter if you have over I think it's three or more, three or
16 more people, including the captain and crew, on board your
17 boat.

18 And that occurred probably seven, eight years ago,
19 and we have not had a problem in the Southeast with this
20 rule. I mean, it hasn't created an enforcement loophole. It
21 strictly says, if you have both permits and you have over
22 this amount of people on board your boat, you're considered

1 under charter: you can't sell your catch, you have to abide
2 by the bag limits.

3 MR. SHEEDA: Thanks, Paul. I think we had Frank
4 and then Bob Pride next, and then we'll get to John Hoey.

5 MR. LELAND: We have just the opposite going on
6 here: the biggest loophole there possibly is in the
7 yellowfin fishery is, a recreational fisherman can get a
8 general category permit and have no bag limit and no
9 restrictions. No recreational fisherman is going to go under
10 the guise of a party and charter boat and be restricted to
11 three fish. He can get a general permit -- he can go catch
12 all he wants.

13 The only people restricted here are party and
14 charter boats, to three fish. Be realistic.

15 MR. SHEEDA: There are restrictions to getting a
16 general category boat. You're considered a complete
17 commercial boat. You can't keep bluefin tuna --

18 MR. LELAND: It's open access.

19 MR. SHEEDA: You can't keep bluefin tuna less than
20 73 inches. So if you want to fish for bluefin in the mid
21 Atlantic, you're not really going to be able to keep any.
22 So, I mean, there are some reasons why a vessel wouldn't want

1 to get a general category permit.

2 So -- but Bob Pride, next.

3 MR. PRIDE: Bob Pride. Actually, the problem with
4 the permitting process, as it exists today, I as a private
5 vessel owner, without a charter captain license, in an
6 undocumented, uninspected vessel, can get a NMFS permit that
7 is a charter party boat permit. Even though I don't have a
8 charter or a party boat, I can apply for that permit and get
9 it.

10 And at that point, I am fishing with as many people
11 as my boat is legally allowed to carry, which is eight
12 passengers. As long as I am complying with safety
13 regulations, I can catch as many yellowfin tuna as I want to,
14 as my boat will carry.

15 MR. SHEEDA: I'm sorry, Bob, I don't think I follow
16 you.

17 MR. PRIDE: I can get a charter boat permit, even
18 though I don't have a charter boat.

19 MR. SHEEDA: You need to have the captain's license
20 to get --

21 MR. PRIDE: I don't think so.

22 MR. SHEEDA: Well, that's the requirement of the

1 regs. And also, what --

2 MR. PRIDE: I misunderstood that.

3 MR. SHEEDA: And once you get the permit, you
4 actually are restricted to the three yellowfin limit; that's
5 one of the things that we're trying to --

6 MR. PRIDE: I misunderstood (inaudible).

7 MR. SHEEDA: John Hoey, did you have something?

8 MR. HOEY: We're working on an ACCSP project, so
9 Paul Raymond actually answered the question. We're writing
10 the computer code that's going to check and prevent the
11 issuance of permits unless there are certain qualifying
12 criteria made in that situation. Right now for the
13 Southeast, coastal migratory pelagic gulf reef fish and South
14 Atlantic snapper and grouper really don't have any
15 constraints. And that's why they've set up the system for
16 counting the people.

17 However, for them to sell catch, if the boat has
18 two permits, for the king mackerel, gulf reef fish and red
19 snapper class one, snapper grouper unlimited, there generally
20 are earned income requirements and or copies of documentation
21 that are required to be checked off.

22 So the system actually prevents the issuance of

1 those permits unless there is a copy of a Coast Guard license
2 that shows up with the documentation, and unless you can
3 prove that you have either a percentage of your income --
4 depending on the license, that will vary and that's an option
5 that can be -- we have it now in about six different permits,
6 or a minimum sale associated even with the sale of fish or
7 charter income. So you can qualify for some of the
8 commercial licenses based on charter income, and that's
9 allowed within the Gulf system.

10 It doesn't matter to us, from the programming side,
11 whether you call it a permit or an endorsement; I still have
12 to track both of them, unless you're going to link them,
13 which is what the Northeast does, and that's something that
14 does have long term implications.

15 Right now we have a problem because many of the
16 permits are issued, and the permit number itself is a boat
17 number. And then there may be five separate endorsements,
18 but each of those endorsements needs to be tracked
19 historically.

20 Some are limited, some aren't. So it depends on
21 what you all want to do as you get down the road. Do you
22 want them to be held together as an entity, so that when you

1 start transferring them, certain licenses can then be removed
2 from circulation, or do you want to leave it open and as long
3 as you get the regulations and we have time to program it, we
4 can probably handle almost --

5 I don't think you could come up with ways that
6 haven't already been come up with that we've got to try and
7 track now, but separating and deciding whether you're going
8 to allow separation of endorsements when they're issued to a
9 boat, once you go into the discussion of what you want to do
10 with moratorium type permits, that's critical. And that's
11 why I need to find out more about what the Gulf Council -- we
12 weren't told that, and we have a due date in about 45 days
13 for a test bed for a new Southeast permit system. So --

14 A PARTICIPANT: Oh, my God.

15 MR. HOEY: Oh, yeah.

16 A PARTICIPANT: (Inaudible.)

17 MR. HOEY: I'm easy to track down. Thank you.

18 MR. SHEEDA: Thanks, John. There aren't anymore
19 comments from the AP. If there's anyone else in the public
20 that would like to speak -- well --

21 A PARTICIPANT: (Inaudible.)

22 MR. SHEEDA: Could you come up and -- to the thing?

1 And just introduce yourself. And I think I might know what
2 you're going to address, and I'm happy you're going to do it,
3 but --

4 MR. PRINCE: My name is Burton Prince, I fish up in
5 New York. I also am a licensed captain. Right now I
6 commercial fish for tuna, and I also take out charters. And
7 the way the HMS is presented now, I won't be able to do this
8 anymore.

9 I think that the three person limit would work out
10 just fine. The day that I say I'm commercial fishing, I pick
11 that day and I only have that many people on. It doesn't
12 interfere with the charter; I don't think that it would. And
13 if you need six people or five people on a 75 foot vessel,
14 then fine. Thanks.

15 MR. SHEEDA: Thanks. If I remember, I think your
16 situation is, you take out -- you fish commercially for tunas
17 but you take out charters for sharks, so you're going to be -
18 - you're now going to be covered under this HMS charter head
19 boat permit.

20 MR. PRINCE: This is correct.

21 MR. SHEEDA: Where you'd be restricted to the
22 yellowfin limit.

1 MR. PRINCE: This is correct.

2 MR. SHEEDA: Right. Thank you very much.

3 MR. PRINCE: Thank you.

4 MR. SHEEDA: Okay, folks, thank you very much. I
5 know it was a very -- a lot of complicated issues and I know
6 my head spins when I think about it sometimes, so thanks for
7 your patience. I generally did start to hear some consensus
8 coming towards the making -- for the -- defining a charter
9 head boat trip, moving towards the way that Southeast defines
10 their trips, with perhaps an added modification for head
11 boats.

12 On other issues, heard a lot about simplifying
13 permits, if you can have, you know, the less permits the
14 better, just say, expanding the HMS -- the recreational
15 permits to all HMS instead of individual ones. And on the
16 upgrading, I heard that we should get away from length and
17 horse power for the long line fleet. We should move towards
18 hold capacity in terms of volume, and that for the hand gear
19 permits, it doesn't make any sense. And for the permit
20 expiration, I heard that we should stick with the status quo
21 that if you don't renew your permit within a year, you should
22 lose it, with some appeals process built int.

1 So that's generally what I've taken from today, and
2 if anybody has any other specific questions or comments,
3 please feel free to hunt me down during the next couple of
4 days and we could talk about it. Thanks again.

5 MR. ROGERS: Thanks, Pat. I think you did a pretty
6 good job of treating that complicated subject, although it's
7 probably not to the point of complete resolution.

8 Really, it boils down to how to accommodate, in
9 some instances, folks who want to at times be a participant
10 on a for-hire basis in the recreational fishery, and at other
11 times participate in the commercial fishery. We recognized
12 that there are people who have this dual nature of their
13 businesses when we developed the FMP, and we're still trying
14 to accommodate that without undue hardship or conflict in
15 some of these situations with several different permit types.

16 We'll continue working on that, and whatever we
17 come up with will be a proposed rule. We'll have some public
18 hearings on it, and you'll have further opportunity to
19 comment, to see whether we're actually concocting something
20 that would improve the situation or make it worse. We'll
21 see.

22 I'd like to take a quick break at this point --

1 we're on a good breaking point -- and then we'll get into the
2 bycatch reduction discussion. I believe Buck Sutter's going
3 to lead us through that one.

4 So let's be back in no more than 15 minutes.

5 (End side A, tape 6.)

6 MR. ROGERS: You had handed out the -- you handed
7 them out? Okay, Buck's already handed out the copies of the
8 overheads, so you folks can please take your seats. This is
9 going to be a discussion of bycatch reduction. This was an
10 integral part of the FMP, both for billfish and for the
11 Atlantic HMS, and while we tried to incorporate as much as we
12 could in the FMP at the time, in terms of regulations to
13 implement the FMP, the work that we felt was needed to
14 address bycatch concerns in the HMS fisheries was going to be
15 an ongoing effort.

16 You may recall that in the draft FMP and the
17 proposed rule that went with it, we had a small area,
18 relatively small, off the East coast of Florida, Florida
19 Straits, proposed for closure to reduce discards, dead
20 discards of small swordfish.

21 When we issued the final FMP and its implementing
22 regulations, we had pulled back on that and made the

1 commitment to address bycatch in a more comprehensive way,
2 looking at other bycatch concerns including bluefin tuna,
3 turtles, billfish, as well as swordfish dead discards.

4 And we followed up with a subsequent rule making
5 and a supplemental environmental impact statement. That rule
6 was finalized, published last August first.

7 The effective dates have all come upon us now. The
8 live bait prohibition and the -- was effective I guess
9 September 1st, and the (inaudible) was what, November 1st?
10 And then the Florida east coast closure and the Charleston
11 Bump closure were scheduled to go on line February 1st,
12 because of a technical correction we needed to specify the
13 quarters of the closed areas; we had delayed that until March
14 first.

15 So we will entertain Buck's presentation here on
16 the progress on bycatch reduction, and then we'll have a
17 discussion.

18 MR. SUTTER: Thank you. I'm not sure I'm talking
19 into the mike. Testing, one, two. (Inaudible.)

20 Like Chris said, the main purpose of this
21 presentation, and we had gotten some requests to kind of
22 review what we've done since the HMS FMP, and --

1 A PARTICIPANT: A little too dark (inaudible).

2 MR. SUTTER: Right. I have to hold my notes up
3 against the light, here, not that I can read them anyway.
4 I'm going to have to get some bifocals, I think.

5 But anyway, the purpose of what I want to do today
6 is, give an overview of what we've done so far. I'm going to
7 start with a sort of back ground of, starting from the HS
8 (phonetic) -- what were the main highlights that were in the
9 HMS FMP, amendment one to the billfish FMP, and where are we
10 going from there, in sort of a broad brush stroke.

11 Unfortunately, two of the people that were going to
12 help out with this presentation, as I said earlier this
13 afternoon, are sick. And so I was going to -- we're sort of
14 relying on them to help provide some background on a couple
15 of studies, particularly that deal with protected species
16 issues, because that's obviously become a nexus of a lot of
17 attention here over the last few months.

18 And so I'll try to muddle through what I know about
19 those as best I possibly can, so unfortunately that -- Karyl
20 Brewster-Geisz and Margo Schulze who have been working very
21 strongly on that -- and I know were going to be covering
22 protected species issues tomorrow morning, and maybe we can

1 pick up some of the stuff that I have to plead some ignorance
2 on until tomorrow. But they both were involved with a lot of
3 the issues that have been dealing with bycatch in general,
4 both for sharks and tuna and billfish issues.

5 So I just want to kind of make that point up front.

6 So I'll do the best I can here.

7 As you know, starting back, as Chris said, the
8 bycatch issues were part of -- when we started the scoping
9 hearings in '97, were an important consideration of what we
10 had to address in both these two plans, the HMS and the
11 billfish plans, in regards to what's required by national
12 standard nine.

13 And these -- and like I said, these are broad
14 brush, so this is not -- if you don't see a fishery listed up
15 here, it doesn't mean that it wasn't important. I was just
16 trying to put this together in kind of a broad brush. But
17 these are the main -- like in HMS fisheries, it's sort of
18 commercial -- we were talking about pelagic long line gear;
19 drift gillnet for, at that time, it was swordfish and sharks;
20 purse seine.

21 We also are dealing with bycatch issues in
22 recreational fisheries, and there's also bycatch of HMS in

1 non-HMS fisheries. What I mean is, like, there's quite a few
2 shark that are caught as bycatch in menhaden purse seine
3 fisheries, are operating -- they're in the North Gulf of
4 Mexico, shrimp trawlers throughout the Gulf. There's been an
5 historical issue of bycatch of shark. Squid, mid water
6 trawler catches a lot of swordfish; although I know some are
7 sold when they're licensed, it's still an issue of people
8 that are catching HMS species and beyond the direct
9 fisheries, whether recreational or commercial.

10 Of course, the biggest issue that has caused a lot
11 of concern in all these species is the magnitude of
12 international versus domestic levels. The one I'm most
13 familiar with, obviously is billfish. You're talking about
14 five percent, on average; somewhere between three to seven to
15 8 percent, depending upon whether we're talking about white
16 marlin, blue marlin or sailfish. So that if you -- that's
17 the U.S. component of the Atlantic-wide mortality.

18 Because you -- the stock's like blue and white
19 marlin are Atlantic wide; sailfish is a Western Atlantic;
20 bluefin tuna is East -- or East and West and swordfish is
21 North Atlantic, South Atlantic. So unlike a lot of the other
22 fisheries that we deal with, I mean, NMFS-wide, we have to

1 have a little bit of a broader scope in what we're looking at
2 as far as, what is attacking these fisheries, both directed
3 and from the bycatch perspective.

4 I don't want to belabor that too much; I know we
5 talked about that FMP.

6 And so what are some of the highlights that were
7 established in these two FMP amendments, the HMS FMP, was
8 establishing a bycatch reduction strategy consisting of
9 several components of primary closures as possible measures
10 to deal with bycatch reduction; limited access; reduced
11 quotas. Well, you can read just as well as I can. Gear
12 restriction is also some of the stuff that was more recently.

13 And then there was some -- the section of the FMP,
14 the first one here I want to talk about is time area
15 closures. As Chris already mentioned about the evolution of
16 the Southeast Florida closures, it was in the proposed rule
17 we came out and said in the final rule that because of the
18 complexities involved with that that we picked up through the
19 public process, that we needed to say, hold on a second, we
20 want to reevaluate this. In fact, we did do that.

21 And when the FMP became final last April, the next
22 advisory panel meeting, which was here in June or July of --

1 I guess it was June, I can't remember -- a few months later,
2 we had the first sort of crack at what we were going to be
3 looking at for time area closures. And we got a lot of input
4 from the two advisory panels, had some presentations on other
5 ways to handle this issue, and kind of proceeded from there
6 with the proposed rule that came out in December of 1999.

7 VMS is also another important component of the
8 bycatch strategy developed in these two plans. It was
9 included as a final recommendation, or final action, but you
10 know, as we talked about earlier yesterday, was it has been
11 delayed. And as Mariam addressed, the response has been
12 drafted and we're -- I guess we're going to be turning it in
13 to the judge and see what happens with that. So that is an
14 important component of having to deal with primary closures,
15 and evaluating the impact that these closures are going to
16 have.

17 Other issues that are dealing with bycatch that
18 came out of the FMP was a -- that we've implemented an import
19 prohibition of under sized swordfish. There's a (inaudible)
20 eligibility program that is in full swing now for both
21 Atlantic and Pacific swordfish. That program's being run by
22 the National Seafood Inspection Lab in Pascagoula, and

1 reports from 1999 and 2000 are in the safe report from last
2 year and this year.

3 The HMS FMP was identified as the primary mechanism
4 for reducing billfish bycatch for commercial fisheries. That
5 was one of the other final actions that was identified in
6 both those plans. And we also established a catch and
7 release fishery for the recreational billfish fishery.

8 So that's kind of the background, and so now it
9 becomes sort of report card time in some mechanisms and way
10 of looking at things, I guess.

11 And so quickly, what have we done since then?
12 Well, one is, we tried to give some report on what we've been
13 doing in both the 2000 and 2001 safe reports. And in both
14 years, there's a whole chapter that was relegated to that
15 issue, and in fact was in chapter eight of this year, and a
16 lot of what I'm going to talk about comes from that.

17 One of the first things I want to talk about is the
18 June closure for bluefin tuna. This is very preliminary.
19 This is just based on something that -- the science center is
20 looking at this issue much more in depth, just like several
21 other issues that we may get into relative to bycatch.

22 We've actually put a shopping list together of

1 bycatch issues that we're asking the Southeast Science Center
2 to -- or the Science Center's Northeast and Southeast to
3 address. One of them is this issue here, evaluating the
4 effectiveness of the closures, and not just the primary
5 closures that came out this August, but I mean -- (inaudible)
6 and but also the ones that are from the June closure.

7 So but doing a cursory look within all the caveats
8 associated with bycatch, or the using of log book data, which
9 is another thing that we asked them to look for -- I know
10 that David had brought up a real good issue of, before, in
11 some previous discussions, was the effectiveness of log books
12 and some of the caveats associated with that. But just based
13 on log book data alone, this is what, for 1999, what was
14 respond -- in the -- to the closure for live and dead
15 discards of bluefin tuna for '97 and '98 and '99 in the
16 closed area, which is off the mid Atlantic, and then the open
17 area and the remaining area.

18 So if you look at that, that kind of gives you an
19 idea of what, at least the first cut, impact of what the
20 impact of the June closure was. So like in '99, there were
21 1,309, according to the log book reports, that were
22 discarded, totally between the closed and open areas; in

1 1999, 608, so.

2 One of the other issues that was developed from the
3 Atlantic, or from the HSM FMP that's now been implemented,
4 was putting observers on the shark drift and gillnet and
5 strike nets. And that's more of an issue that (inaudible)
6 knows a lot more about than I do, but that's -- be that as it
7 may, that's some of the things that have been implemented.

8 Gear research, there has been some progress made
9 towards looking at bycatch and how gear can be affected by
10 that. And I wish I had put it on here but didn't, but one is
11 the Azores pelagic long line study looking at circle hooks
12 and some other factors along with that. Maybe Chris, you can
13 help me out on this one a little bit, because you know --
14 maybe you know more a little about this than I do. But Margo
15 and those guys -- is there anything that you can add to -- in
16 particular, any particular results of that? I know there has
17 been -- involved with some of the biological opinions, but --

18 MR. ROGERS: Well, just that in the Azores study,
19 they were looking at hump turtles and keeping them in
20 captivity and looking at survival. It's discussed at length
21 in our gear workshop; we do have a report of that, the
22 workshop that we had in January here in Silver Spring. And I

1 believe the final report on that study is due out sometime
2 early this year.

3 MR. SUTTER: Okay, another rule that just became
4 finalized last week was the use of line clippers and dip nets
5 for sea turtles. There's a hook (inaudible) study that's
6 underway now in the Pascagoula lab; the results have been
7 some -- I'm sorry (inaudible).

8 Does somebody ask a question? I'm sorry. Yes,
9 Nelson?

10 MR. BEIDEMAN: I really didn't have my hand up yet,
11 but I do --

12 MR. SUTTER: Oh, okay.

13 MR. BEIDEMAN: I have a message, you know, for
14 Chris and the HMS from the Southeast Fishery Science Center,
15 both Jerry Scott and Gene Kramer, and that message is that
16 the table on 813, table eight point five, that the 1999
17 portion of that table does not exist and that source does not
18 exist, and --

19 A PARTICIPANT: Where is the table? (Inaudible.)

20 MR. BEIDEMAN: I don't really know all the
21 sensitivities here, but they wanted to make sure that you
22 knew that, that this table and information does not exist,

1 according to Jerry Scott and Gene Kramer.

2 A PARTICIPANT: (Inaudible) eight point
3 (inaudible).

4 MR. BEIDEMAN: Yeah.

5 A PARTICIPANT: What about --

6 MR. BEIDEMAN: The 1999 portion of it.

7 A PARTICIPANT: (Inaudible)

8 MR. BEIDEMAN: Apparently '98 is in existence, but
9 --

10 MR. SUTTER: Well, okay.

11 A PARTICIPANT: We will check on that.

12 MR. BEIDEMAN: I'm sorry I don't understand all the
13 sensitivities of it; you'd have to call Terry for that. I'm
14 just relaying.

15 MR. SUTTER: Well, okay. Very interesting. Okay,
16 okay, where else -- where was I? Kind of lost my whole track
17 of thinking.

18 Poster -- okay, some -- also there's been some
19 preliminary work done on post release survival research,
20 there's a point of bycatch that is important to get a measure
21 of. In the last two years there has been releases from both
22 the commercial and recreational fishing gear, using archival

1 tags. For instance, last summer I know that they did some
2 work prior to going over to the ICCAT meeting. I believe
3 that even though, I think, seven fish were tagged, marlin
4 were tagged, on commercial gear and five of those were --
5 have been recovered in the sense of providing information, I
6 know that their additional work is going to be ongoing with
7 that.

8 Noah's also provided funding through the SK
9 (phonetic) program, I believe, and some other marfan work to
10 do some hook design studies, being circle hooks and bluefin
11 tagging, as well.

12 Okay, one of the issues that is dealing with
13 bycatch, as we talked about quite a bit over the last couple
14 of days, is use of observer programs. I do know that there
15 has been increased funding this year for observer programs.
16 From the information I was given when I was putting together
17 these flyers last week is that the allocation is still being
18 determined, but -- and I've been trying to get a hard number,
19 how much percent increase there was over the last year, and I
20 don't really know those numbers exactly.

21 And Chris -- but I know that the overall objective
22 for the one I can remember was, they're trying to get enough

1 money, for instance, for the pelagic long line observer
2 coverage to get up to 8 percent coverage, where as in the
3 past it had been around -- I think last year was 4 percent.
4 So --

5 I think we just went through all, earlier today,
6 previous detail about the charter head boat issue and the
7 implementation of that.

8 One of the biggest things, obviously, that we've
9 done, I know that everybody here has been engaged in dealing
10 with this issue, and that was the first regulatory amendment
11 to the HMS FMP, dealing with the closures, which went into
12 effect February 1st for -- though they were delayed until --
13 for a long -- for the Charleston Bump and for the Florida
14 east coast, the DeSoto Canyon or northeast Gulf closures went
15 into effect in November, and the live bait prohibition went
16 into effect back in September.

17 And let's look here. Okay, there was a map there,
18 but it disappeared. Well, pretend there is a map, as well.
19 I wish we could have it, because it was very -- I don't know
20 what happened to it, but there was a map there of the total
21 closures.

22 This was just a table right out of the FBIS

1 (phonetic), as far as -- as you know, we looked at trying to
2 estimate the impact of what these closures would have, both
3 (inaudible) a spectrum method, I guess is -- one is if no --
4 if there was no -- if we didn't -- if the closures went into
5 effect and the effort in those areas was just -- completely
6 went off the map, what would be the impact. And then
7 conversely, what would happen if all the effort in those
8 closed areas was randomly distributed throughout the entire
9 range of where the fishery, U.S. fishery, operates. And so
10 this table, which like I say is right out of the FBIS, gives
11 a range of impact, of what the potential impact of these
12 closures would be.

13 Obviously, it's going to be incumbent upon us to
14 work with the science center and to get a measure of these
15 closures, which obviously they've only been in effect for,
16 some as only recently as a month. But using the log book
17 system and the observer coverage to get a measure of what the
18 impact of these closures have been.

19 Now, some anecdotal information I've gotten thus
20 far, talking to observes, is that certainly the live bait
21 thing has changed that fishery around quite a bit. There's a
22 couple of people I've talked to have indicated that

1 compliance has been very good and it's actually changed quite
2 -- not only just the way they fish, but also the way they
3 eat. Evidently they were eating the live bait, which we
4 didn't know.

5 Anyway, the -- so these are the impacts for
6 swordfish discards, estimated for large coastal sharks; for
7 sail fish; blue and white marlin; sea turtles; and swordfish
8 kept; and the tuna (inaudible).

9 There's also been some ICCAT recommendations that
10 are going to have some direct impact on bycatch. First off
11 from last year was the swordfish rebuilding plan, and part of
12 that is going to be -- it's going to impact the U.S.
13 fishermen, obviously, is this dead discard allowance. It's
14 going to have some impact on the amount of bycatch
15 (inaudible), as well as our own time area closures.

16 This year the blue and white marlin ICCAT
17 recommendation is, we know that the -- we've already talked
18 about the 250 recreational landings per year, and what impact
19 that's going to have, but also realize that this negotiation
20 is going to have a huge impact on fisheries outside the
21 United States, by the 50 percent reductions in blue marlin
22 landings, 67 reduction -- percent reductions from 1999 for

1 white marlin, and from 1999 levels as well, and also the live
2 release of all caught by purse seiners and pelagic long line.

3 So obviously this is the beginning of, over the
4 last year and a half since the FMP's come out, it's obviously
5 not -- the job is not done, by any stretch, but I think we've
6 made -- you know, this is what we've done so far, and I think
7 that this point is where -- just like we were talking with
8 the swordfish, we look to the advisory panel for some advice
9 on additional measures. Obviously we have guidance from the
10 HMS FMP, that we still have plenty of work left to do on
11 that.

12 And going to open it up from there. (Inaudible)
13 anything else? Okay, let me turn the lights on. I know
14 you've probably got a lot of questions on this, so we'll --

15 A PARTICIPANT: (Inaudible.)

16 MR. SUTTER: Oh, yeah, go ahead.

17 MR. ROGERS: There have been a lot of questions
18 about evaluation of the effectiveness, not only of some of
19 the more longer term closures that have been in effect, like
20 the mid-Atlantic for bluefin tuna, as well as the more recent
21 DeSoto Canyon and the even more recent Florida east coast and
22 Charleston Bump.

1 Our plans are to basically follow the same
2 methodology we had used in sort of our retrospective
3 analysis, to come up with these closed areas in the first
4 place. Fortunately, though, when we look at the data as it
5 comes in, we'll have a better idea. What we had to do in our
6 projections was assume some things about effort
7 redistribution.

8 Now obviously, once we start getting the real data
9 in, in real time or as close to that as possible, which is
10 probably about a six month lag time, getting all the log book
11 and observer reports in, the data processing, the quality
12 control checks and have access to that, in our office, we'll
13 actually see how the effort has redistributed, how people
14 have reacted to the closures. And we can see what effects
15 have occurred in terms of target catch and bycatch.

16 So as opposed to the projections that we had made
17 in these rule making documents, we'll be able to put out,
18 hopefully in the next six months and certainly in next year's
19 safe report, a more complete evaluation of the effectiveness
20 not only of the live bait prohibition in the Gulf of Mexico
21 but also the existing closed areas.

22 So this is basically how we will approach the

1 evaluation. A lot -- I know a lot of folks have been
2 concerned as to what our next step was there. Certainly if
3 we observe that the anticipated effects were not achieved,
4 then we'll have to revisit the configurations of the closed
5 areas or further gear modifications or what have you. So
6 it's those kinds of things that we're certainly looking
7 forward to some further discussion on here today.

8 MR. SUTTER: Okay, I guess can we get -- I know
9 there's got to be a lot of comments and questions. Randy, I
10 guess, do you want to be first?

11 MR. HUDSON: Rusty Hudson. AP advice on additional
12 measure to reduce bycatch; for two and a half years we
13 debated the choice between a mandatory use and a voluntary
14 use of a de-hooking device, and I don't see it suggested
15 anywhere, especially after the final HMS text indicated that
16 you would promote voluntary use.

17 And so I would say that until it's scientifically
18 measured as to the benefits, I think that was one of the
19 excuses as to why it wasn't mandatory, it would still be nice
20 to see you're still promoting the idea of removing the hooks
21 instead of cutting the line.

22 MR. SUTTER: Okay, as you know, that was included

1 as a final action in the billfish plan, but -- A

2 PARTICIPANT: (Inaudible.)

3 MR. SUTTER: Okay, I understand. I just wanted to
4 make that clear. Oh, I see, I forgot about the ICCAT
5 measure. Wake up, wake up.

6 MR. ROGERS: Yeah, the --

7 MR. SUTTER: Okay, I guess I'll start with our
8 friend from Mote Marine.

9 DR. HUETER: Bob Hueter. Thanks, Buck. First I
10 want to second what Rusty just said: de-hooking devices can
11 be very effective, and they should be part of a bycatch
12 reduction program.

13 Additional measures to reduce bycatch, I'm sorry to
14 beat a dead shark, but please ban shark drift gillnets;
15 bycatch is horrendous for the amount of gear that they set.
16 We're now spending a quarter of a million dollars per year,
17 over the last two years -- each of the last two years, to
18 have observers document this bycatch. We're talking about
19 less than a dozen boats. It's not warranted, and it is a
20 black eye on the directed commercial shark fishery, which is
21 -- and in terms of the -- the bottom long line has a much
22 lower rate of bycatch in comparison.

1 I've got to ask, I know this is a typo, but I've
2 got to ask you guys about the table on pages 440 and 441,
3 about this fishery and the bycatch that was documented in
4 that fishery. Near the very end of it, in the bycatch that
5 was documented during the observer period, there's one bottle
6 nosed dolphin and one logger head turtle that was documented,
7 and neither were discarded alive nor discarded dead;
8 apparently they were both kept. And I just wonder what's
9 going on here. Is this surf and turf or what?

10 MR. SUTTER: All right, let's check on that.

11 DR. HUETER: Must be a typo.

12 MR. SUTTER: I hope.

13 DR. HUETER: So we need to check that out, because
14 I don't think they were -- I don't think that they were kept,
15 unless they were kept because they had to be turned in for
16 necropsies or something, which actually may the case.

17 But on a serious note, this fishery actually had to
18 be closed for a month this year, I believe it was this year,
19 because they were catching leather back turtles; not logger
20 heads or greens, but leather back turtles.

21 So it's the last I'll say of it today, but when
22 you're talking about bycatch and the shark fishery, this is -

1 - I think this is a problem that should go away.

2 MR. SUTTER: Sonja?

3 MS. FORDHAM: Sonja Fordham, Center For Marine
4 Conservation. I also have some comments specific to sharks,
5 but I would agree with both Rusty and Bob wholeheartedly on
6 their comments.

7 I think my comments can be summed up by the term
8 shark shrift in this section, unfortunately. I think it's
9 clear from the presentation, and in particular the safe
10 document, that there has been very little action to reduce
11 bycatch of sharks. There's a lot of research but not a lot
12 of action.

13 I think this section boils down to NMFS saying they
14 will collect more data, but not proposing to take or even
15 consider any actions to reduce bycatch of sharks. At the
16 same time, NMFS says that they state support for ASMFC
17 protection of sharks caught incidentally in state waters.
18 I'm not really sure what this means, but there's also no
19 strategy associated with it. I'd like to suggest that you
20 start by sending a NMFS representative to the shark board
21 meeting of the ASMFC, which is coming up I think on the 23rd
22 of April.

1 The document also highlights a significant problem
2 of bycatch of commercially and recreationally valuable black
3 tip sharks in the menhaden purse seine fishery. I'm not sure
4 if you have the staff here, but I don't know if there's been
5 an update on any state action to deal with this problem, but
6 if you know of any, you should report on it. It looks like
7 NMFS funded the research, but there's been absolutely no
8 follow up to address this significant problem, and there are
9 absolutely no recommendations tied to the section.

10 It also appears that there's no plan to study the
11 effectiveness of birds in the shrimp trawl fishery to reduce
12 bycatch of sharks there.

13 And the safe document reports that the bycatch of
14 small coastal sharks is expected to greatly exceed the
15 landings, and yet any action to reduce bycatch of these -- in
16 this fishery has been put off until after the stock
17 assessment of small coastal sharks. So I don't know why that
18 is; it seems like there could be at least be some exploration
19 of some means to reduce bycatch of small coastal sharks. You
20 don't really need to wait for the assessment to do that.

21 And then lastly, the bycatch table that has the
22 recommendations, table eight, 10 and 11, it looks like it

1 lists recommendations for reducing bycatch of all or nearly
2 all HMS species except for sharks, for which only research is
3 proposed, and this is despite all the problems that are
4 documented in this section.

5 So in summary, we would strongly urge you to beef
6 up this section, to improve this document, and also the MPOA
7 (phonetic), which is referred to, to develop and implement a
8 real, true, comprehensive bycatch reduction strategy for
9 sharks. Thanks.

10 MR. SUTTER: Okay --

11 MR. WILMOT: Buck and Chris, I'd like to ask one
12 specific question and get the answer, and then I have a
13 number of comments. The question is specifically related to
14 marlin bycatch. Two years ago in the billfish plan, you
15 basically punted bycatch reduction to the HMS plan. You made
16 it clear, however, in the billfish plan, that bycatch
17 reduction measures needed to be taken; however, you
18 highlighted that additional research needed to be done to
19 collect the data that were necessary to identify the actions
20 that would be taken, either the closed areas, gear
21 modifications, et cetera.

22 When you then took action as a follow up to the HMS

1 plan, there were components of that action that were
2 addressing the marlin: the live bait is the example.
3 However, some of the actions may have actually had a negative
4 impact and will increase the bycatch of marlin in particular
5 areas, in particular the closed areas possibly off of
6 Florida.

7 Now, this was almost two years ago, and in a
8 presentation here today, I don't see anything telling us what
9 has been done to identify these gaps that we know exist, and
10 that you said existed, so that you could take the actions
11 that you said you needed to be able to take to reduce
12 billfish mortality because of bycatch.

13 Could you give me some feeling for where it is,
14 specifically, in terms of the research that's being done,
15 when are these data going to be available, and what time
16 frame are you on to propose action?

17 MR. ROGERS: Well, as I said, it will probably be
18 about six months until we get a sufficient amount of data to
19 analyze the effectiveness of both the live bait prohibition
20 in the Western Gulf of Mexico, which was targeted at billfish
21 bycatch reduction primarily -- our hope was also, although it
22 was a multi-objective approach in that final rule of last

1 August, that the Charleston Bump closure would also have some
2 benefits in terms of billfish bycatch reduction.

3 We will continue to look at the log book data, as
4 we have done most recently for the turtle situation, to see
5 if there is any gear modifications or fishing method
6 modifications like the live bait prohibition that we had
7 inferred from the data, from the log book reports, as to
8 whether there were any other viable alternatives.

9 We're certainly open to more suggestions on what
10 needs to be looked at. Hopefully with our increased funding
11 for observers in the pelagic long line fishery, we will get
12 more observed trips in areas that may not have been fully
13 covered in years past. We'll get some more insight.

14 I know there's been a lot of concern with respect
15 to the types of numbers that Buck had just put up there, with
16 respect to billfish bycatch reductions which were apparent in
17 the no effort redistribution model versus the effort
18 redistribution model. We obviously were concerned with
19 publishing those numbers, that they gave a pretty clear
20 picture that bycatch of billfish could be increased with
21 those closed areas, but really that is dependent on the
22 actual behavior practices of fishermen and how they react to

1 those area closures.

2 We know for a fact that some of the vessels that
3 would be precluded from fishing in the closed areas, that had
4 predominance of their fishing activity in those closed areas,
5 might not be able to, in a sense, redistribute at random, as
6 the model had done, such that they would be -- a portion of
7 that effort would go to the Grand Banks and make a potential
8 turtle problem a little bit worse, or to the Caribbean and
9 make a billfish bycatch situation worse.

10 So we do have some, I guess you could say
11 suppositions, that the numbers presented in that effort
12 redistribution model may not be borne out in fact and we will
13 monitor that as soon as the data are available to us, to make
14 sure that that is in fact not occurring. Certainly if the
15 billfish bycatch increases because of the existing time area
16 closures, then we're going to have to reassess and deal with
17 it. Not to say that we wouldn't do it anyway; as the data
18 come in, we're going to be taking a look at it.

19 I don't know what else we can do in the short term,
20 other than to continue to look at the data, try to tease out
21 what we can, identify whatever areas or parameters of the
22 fishing operations that are worthy of further investigation

1 for bycatch reduction, but it's going to be a continuing
2 problem with step wise refinement, until we can do the best
3 that we can do.

4 I hope that answers your question to some extent,
5 but I know we have some follow up.

6 MR. WILMOT: Well, it does to some extent, but I'll
7 be honest with you: it's not a satisfactory answer, not this
8 late into the game. I think that there are a number of
9 actions that in addition could be taken, and that you guys
10 should be pursuing. Looking at additional closed areas,
11 using the data that are available today, using the data that
12 are available to determine potential gear modifications,
13 rather than just waiting.

14 And let me tell you why I'm so uncomfortable with
15 waiting. The term evaluation is used throughout the
16 presentation, and it's used in the first sentence under the,
17 quote, comprehensive bycatch reduction strategy. I won't
18 even beat that dead horse; everyone around this table who
19 knows me know how much I dislike the misuse of all four of
20 those terms.

21 But the first sentence says, the bycatch reduction
22 program includes an evaluation of current data collection

1 programs, implementation of bycatch reduction measures,
2 continued support of data collection and research. What it
3 basically says is, we're going to evaluate what we've done
4 and we're going to tell you how effective it has been.

5 Well, guess what? You do a nice descriptive job of
6 telling us the bycatch in here, but you don't evaluate it. I
7 look at the second slide that was put up there, I believe --
8 oh no, it was about the fifth one. It showed the closed area
9 and the open area, '97, '98 and '99. And it shows the change
10 in the number of fish landed. That's not an evaluation.
11 That's like bringing one of your staff in for a performance
12 review and telling him how many days they came to work;
13 that's not an evaluation of their performance. Nowhere in
14 this document do you evaluate.

15 And the reason it's so frustrating is, we
16 complained from the beginning that this is exactly what would
17 go wrong if you didn't in advance identify what you wanted to
18 achieve and how you were going to measure success. Well,
19 guess what? Your comprehensive bycatch reduction program,
20 you don't know what you want to achieve, other than some type
21 of reduction, and you have no measure of success.

22 We begged you to use the same type of rationale

1 that we use for the rebuilding plans. You know you have to
2 get to MSY, you know you have X period of time to do it, and
3 you're going to have milestones along the way. Without
4 those, you have nothing. You have Magnuson pre-'96, which
5 was worthless.

6 And that, unfortunately, is what we're sitting here
7 with the bycatch. We need you to tell us if the changes that
8 occurred in the '99 closure were effective. Did it give you
9 what you set out to accomplish? Did it give you enough to
10 justify, under the Magnuson Act and our international
11 obligations, that we don't need to do more?

12 So you can tell us, what did it accomplish? Was it
13 enough? It wasn't enough, why did you come up short? What
14 do you plan to do to reach the goal? None of that's in here.

15 I beg you, I implore you, to please immediately
16 come up with even loose standards for what you're trying to
17 accomplish and how you're going to evaluate success. This is
18 so basic, I hope there is going to be unanimous agreement
19 around the table; otherwise, every meeting, I'm going to have
20 to waste everybody's time, because we're not getting the
21 information we need to evaluate you and whether or not what
22 you're doing is enough. I have a zillion specifics I won't

1 even go into.

2 I hope I've made myself clear on what we really
3 believe is an improvement to this document and the way you're
4 going about bycatch reduction.

5 You've taken some good measures over the past year;
6 don't misunderstand me. We've been incredibly supportive of
7 the actions you've taken, for example to reduce juvenile
8 swordfish. Important measures, they were bold measures. We
9 give you tremendous credit for it.

10 But now, down the road in evaluating them, it would
11 help all of us, including the guys who got hit over the head
12 with the closures, necessarily, we believe, but none the less
13 were impacted, that it worked. Why did they sacrifice all of
14 this? Why did everybody do it?

15 So I implore you.

16 A PARTICIPANT: David, are you saying what you
17 would want to see at this meeting would be an evaluation of
18 that Northeast closure off of -- help me, Northeasterners, is
19 that Massachusetts? My geography gets -- well, it's North of
20 New Jersey. Is that what you're wanting to see, some
21 evaluation from that one closure? They haven't, I don't
22 think, had time to evaluate results from the closures that

1 were just put in place in 2000. Or are you expecting
2 evaluation of something other than the Northeast closure?

3 MR. WILMOT: That is a good example. That is one
4 that has been in place, and they can document the drop in
5 landings, although I'm disappointed to see that you didn't
6 use the fooled method, at least to show what the difference -
7 - that's not what's presented here.

8 No, but anyway, that's an example of okay, it went
9 from 597 in '98 to 35 in '99. Now, tell me what that means.

10 I know I can calculate the percent decline; tell me okay,
11 great, that's enough, we accomplished what we wanted, we now
12 are going to stick with this and we don't need to do anything
13 else for bluefin tuna bycatch reduction. Tell me what it
14 told you when you looked at it, other than saying, oh well,
15 it went down a lot. Evaluate it.

16 And it's not just with closed areas. The three
17 non-HMS fisheries were evaluated -- were described and the
18 summary paragraph basically identified some horrific bycatch
19 numbers, for swordfish, for tunas and for sharks. Okay, an
20 evaluation of that would be, we see a tremendous problem, and
21 over the next 12 months must find a way to reduce the bycatch
22 in these three fisheries, and here are the ways we're going

1 to attempt to do it.

2 And if you're not going to tell me how much you're
3 going to bring it down, at least tell me specific actions
4 that will begin to bring it down. There is not one action in
5 that paragraph talking about the trawl fishery, and the
6 shrimp, the menhaden and the squid fisheries, not one
7 sentence in the summary paragraph tells me, is it a problem,
8 and what are you going to do about it? And then once you do
9 something, how are you going to measure whether or not it was
10 successful? That's an evaluation.

11 A PARTICIPANT: I know, but you started off talking
12 about blue marlin. Are you --

13 MR. WILMOT: I --

14 A PARTICIPANT: You've now switched to --

15 MR. WILMOT: I started off asking a very specific
16 question on blue marlin, because in the billfish FMP, they
17 stated, we need to reduce bycatch and we don't have the data
18 to do it; we need to do research. I wanted an update on what
19 research has been done over the past 25 months, almost 24
20 months, to answer the questions. It was identified in the
21 billfish --

22 A PARTICIPANT: Right, but you don't think that was

1 tied to the implementation of the closures, that that's where
2 they would get the data to analyze, from these closures that
3 went in place 2000, 2001?

4 MR. WILMOT: Partially, yes, but you're -- it's a
5 catch-22: we can wait 24 more months and then they can say,
6 the live bait change and the closures off of Florida gave us,
7 and they'll give us a number.

8 A PARTICIPANT: Right.

9 MR. WILMOT: A 4 percent reduction in billfish.

10 A PARTICIPANT: Right. Right. Right.

11 MR. WILMOT: Okay, is that what we were shooting
12 for? Is that enough, and are we now -- that's my point.
13 Okay, in two more years they'll be able to tell me, we have a
14 4 percent drop in blue marlin bycatch, or a 4 percent
15 increase. I don't know what that means to Chris; to me
16 that's terrible. We should be shooting for much more. For
17 all I know, that may be their goal.

18 A PARTICIPANT: (Inaudible.)

19 MR. WILMOT: See, there's no goals laid out. I
20 don't know what we're after. I know what I would like to
21 accomplish. I'm happy to put out specific numbers. I've
22 been debating this for five years, this specific point: we

1 don't know what success is and we don't know how they measure
2 success.

3 MR. ROGERS: That's also a concern for us, because
4 it's very difficult to come up with criteria where we do have
5 a multi-objective function that we're dealing with.
6 Certainly we could try to do all things to maximize the
7 reductions in dead discards of billfish, but where would that
8 get us with respect to turtles? Where would that get us with
9 respect to pilot whales, with respect to bluefin tuna? We
10 have multiple fisheries; as you yourself alluded to, we need
11 to address bycatch in the menhaden fishery, in the shrimp
12 fishery.

13 It would be something that's doable, to set a
14 target reduction for any particular species, and then run
15 across all the fisheries as they -- how are we going to
16 address the bycatch in that particular fishery? What portion
17 of our 25 percent reduction can we achieve in this fishery?
18 Well, we don't really think we can do something cost-
19 effectively, so we'll take this step and we'll get five
20 percent there. We can be real cost-effective in this
21 fishery, we'll get 20 percent reduction there, we've met our
22 goal.

1 The problem is, it's a multi-objective function.
2 It's very difficult to say that, well, you know, we think
3 that it's okay to sacrifice some turtles to achieve more
4 reductions in terms of billfish. It just doesn't work that
5 way, at least with all the demands on the agency, with
6 Magnuson, National Standard Nine, plus other applicable law
7 that comes into play with the MMPA (phonetic) and the
8 Endangered Species Act, as well.

9 If folks around the table have some opinion as to
10 how we should prioritize the multiple bycatch problems,
11 consistent with applicable law, we're wrestling with that.
12 As I said, it's a trade off.

13 We could have tried to take that approach. A lot
14 of people asked about that same question during the comment
15 period on our time area rule making, and again, the answer
16 is, you're trying to reduce all. I guess a laudable goal
17 would be to have zero dead discards of all these creatures,
18 in all the fisheries, whether they're directly regulated by
19 HM or not.

20 I guess the situation with the Marine Mammals
21 Protection Act, I was a party to some of the take reduction
22 (inaudible) deliberations; Nelson and some others around the

1 table were on the off shore citations take reduction team,
2 and it specified that you have a zero mortality rate goal.

3 You know, there was no expectation, at least to my
4 interpretation of what we were sitting around the table
5 trying to do, that you were immediately going to get there in
6 six months of deliberation; that you were going to implement
7 the plan with a provision for step-wise refinement, that your
8 goal was always the zero mortality rate, and you would
9 constantly implement actions, evaluate them, implement new
10 actions or changes to those actions, to get there.

11 So I really don't think, from a policy perspective
12 or a philosophical perspective, that there should be anything
13 less than a zero mortality rate goal for some of this
14 bycatch. How feasible it is to get there, with the multi-
15 objective nature of the problem, is a matter of debate.

16 And we could, again, entertain whether there is
17 preferences for reducing turtle catch at the expense of
18 billfish catch bycatch or what have you. We're trying to
19 look at all those problems simultaneously, with all fisheries
20 simultaneously.

21 Obviously we have to pick off a chunk, one chunk at
22 a time, and deal with it, so sometimes it's a -- it's not a

1 dynamic analysis that we can do. We'll just deal with a
2 particular fishery as we have the data available to do, and
3 we'll take a step, hopefully in the right direction, and
4 evaluate it and move on to other situations.

5 I doubt that's satisfying to you, but there are
6 some constraints on the system.

7 Moe and then Steve. Steve (inaudible).

8 DR. CLAVERIE: To that point, just a point for
9 thought: as I recall, one of the intents of the time area
10 closures, for reducing bycatch on marlin, was to be a lead in
11 exporting to the rest of ICCAT that as a management tool
12 that's successful. Well, don't we now have an idea of what
13 percent reduction in mortality would be needed, Atlantic-
14 wide, to rebuild the marlin, or are we anywhere near that?

15 MR. ROGERS: I believe that was an integral part of
16 the two phased approach in this recommendation, that SERS
17 would be charged with looking at both time area closures and
18 gear modifications for future recommendations for phase two.

19 So the first two years were a targeted mortality reduction,
20 pending a future SERS analysis that would shed some light on
21 further measures that ICCAT could take in conjunction with
22 sort of stipulating the parameters of the full fledged

1 rebuilding plan, after the first two years of phase one.

2 DR. CLAVERIE: Well, was there any percentage
3 reduction assigned to time area closures by ICCAT, as an over
4 all (inaudible) --

5 MR. ROGERS: Well, the percentage reductions were
6 specified as targets.

7 DR. CLAVERIE: Well, that's what I mean.

8 MR. ROGERS: But it was left over to the individual
9 countries as to how they would achieve those target
10 reductions, whether there were going to be restrictions on
11 where people could fish, number of permits, live release.
12 Live release was deemed to be an integral component of
13 (inaudible).

14 DR. CLAVERIE: It would seem to me that that
15 percentage reduction should be a goal, as Dave's asking for,
16 and whether we can attain it or not is important. If it's
17 impossible to attain that percentage reduction from time area
18 closures, then that should be known. But at least you have,
19 in the ICCAT, a number to shoot for. And why couldn't you
20 use that as a number?

21 A PARTICIPANT: (Inaudible)

22 MR. ROGERS: We had agreed to a cap on our

1 recreational fishery, recognizing that those were the
2 landings that were authorized for the United States, and that
3 we had been taking, and were going to take, additional
4 measures with respect to our recent rule making, and
5 continuing re-visitation of our bycatch reduction plan,
6 additional measures.

7 I guess you could say that we felt that we were
8 taking a step in the right direction. We tried to get some
9 mortality reduction figures as a target for some of the other
10 nations, because we felt we were further along than others
11 and we wanted some sort of commitment that we could hold them
12 to.

13 Again, we will support the SERS research for time
14 area closures and gear modifications. I hope we contribute
15 to that debate. If we have further progress to report as we
16 enter into this phase of the marlin rebuilding program, we'll
17 work that into the recommendations as to what the United
18 States will commit to and what the expectations for other
19 countries would be.

20 MR. ROGERS: Rusty? You want to keep track for me?

21 MR. HUDSON: Two brief comments. Bob was talking
22 about the shark drift gillnet fishery and the amount of money

1 being spent on the observer program. I want to bring you to
2 the attention of chapter four, page 38, heading shark drift
3 gillnet stick net fisheries. Towards the bottom of the
4 paragraph, no protected resources were caught while strike
5 netting; black tip sharks make up 99 percent -- point nine
6 percent, of the shark catch while strike netting.

7 And I just felt like this should be a, you know, a
8 difference made between the strike net technique and a
9 passive technique of leaving a drift gillnet out for an extra
10 long time. We have one boat in particular that has been a
11 problem child for the last few years, with an operator versus
12 no owner on board. I want to keep that in mind.

13 One, the menhaden purse seine that Sonja brought
14 up, chapter eight, page five, menhaden purse seine section,
15 second paragraph: industry workers in this fishery employ a
16 fish excluder device to reduce the retention of sharks and
17 other large species. In addition, a recently introduced hose
18 cage modification may prove to be effective in reducing shark
19 bycatch.

20 I think we need to look into that a little bit
21 more.

22 MR. ROGERS: Okay, Jack?

1 MR. DEVNEU: (Inaudible.)

2 MR. ROGERS: A mike for Jack, please?

3 MR. DEVNEU: I guess a couple of things in order
4 here on your -- on the presentation. One of the things
5 that's near and dear to my heart is to -- I think one of the
6 things that we need to expand upon is the post release
7 survival research. I think that's a very fertile area and I
8 think it should be, you know, done across the board, both on,
9 you know, long line and, you know, recreational gear type.

10 The identification of percentages of what -- of the
11 post release mortality is critical to the further
12 calculations when it comes to dead discards, and as it
13 relates to coming off the swordfish quota in the future.

14 And also, it directly relates to the bycatch
15 reduction. You know, if you're inaccurate in your post
16 release survival, it skews all the rest of the numbers. So I
17 think that that's a critical area to expand, you know, with
18 our archival tags or any other, you know, methods that might
19 be devised.

20 I think there's also some acoustical -- I heard in
21 a conversation last night about some research that was done
22 four years ago on some bluefin tuna that were rod and reeled

1 and then had some acoustic -- had blood samples taken from
2 them and had I think some acoustical tag or implant put in
3 them to then track them. And I think this could be very
4 useful for billfish as well, so I'd like to see that
5 expanded.

6 With respect to the monitoring and -- I think
7 there's a bang to be had here with increased funding. I
8 don't know -- again, you don't know what that's going to be
9 right now, but you're going to actually get it from two
10 sources. Not only is your funding increased, but your
11 universe of long line vessels is greatly decreased because of
12 the recent FMP and the closures.

13 So you could probably -- I don't -- I mean, if you
14 want to go from 4 percent or up to 8 percent, you could
15 probably do that with virtually no increase in funding. And
16 then with the increase in funding that you get, begin to go
17 down the, you know, the other avenues that we spoke about
18 yesterday for observer coverage, you know, among the other
19 user groups.

20 So I think that's, you know, some fertile ground
21 there to expand upon, in terms of getting a better handle on,
22 you know --

1 (End side A, tape 7.)

2 -- numbers are. Right now we're living with a lot of
3 extrapolations, and I think the data needs to be quantified a
4 lot more accurately, rather than have these extrapolations
5 that exist, but, you know, I think who's credibility is
6 questionable.

7 Also, I was glad to hear you say, Chris, that
8 you're going to take a look at the agency monitoring the
9 effort redistribution from the time area closures. I'm not
10 sure how you're going to go about that, but I don't know if
11 Nelson or some of the people, contacts we have down in the
12 South Atlantic, would be helpful, but I think that -- I mean,
13 hopefully what we will find is that we won't have -- well, I
14 don't know, I mean, these boats need to go do something, but
15 I don't think you're going to see increases in bycatch of the
16 billfish as a result of this. I have very grave doubts that
17 that will happen.

18 I think you will get some measurable decrease,
19 because I don't think there's going to be a lot of effort
20 redistribution into areas. There's certainly not going to be
21 -- none of those boats are capable of going to the grand
22 banks, so you're certainly not going to increase anything

1 that's a bycatch issue up there, and I'm not so sure, you
2 know, they'll make it to the Caribbean, either.

3 I think that in terms of next steps, those would be
4 my top three, which would be the post release mortality with
5 increased observer money available to expand the universe of
6 the types of fisheries that get observed, and monitoring the
7 redistribution of effort as it relates to bycatch.

8 I think also, you know, the agency, with its FMP,
9 just made a quantum leap in regulation, and I think there's
10 great wisdom in evaluating the nature of what comes out of
11 that in the next -- you know, as soon as you can get any kind
12 of information out of it. But I think the ramifications of
13 that will manifest themselves over a period of a year, or
14 two, three, four, five years you'll still see some measurable
15 effects of these closures.

16 And I think to embark on any new bycatch measures
17 in the mean time would be some over kill that may very well
18 not be warranted. It certainly seems that if you're going to
19 go and close the square miles that have been closed, you need
20 to see what the result of that is before you start going down
21 other avenues. Thank you.

22 MR. ROGERS: (Inaudible) a little bit further, but

1 we do have plans to be back here at 7:00 for our public
2 hearings and other matters, particularly to allow for some
3 more public input. So we'll continue. I'll just ask you
4 folks to be brief. I'm sure you all want to get some dinner
5 before you're back here at 7:00.

6 Nelson, can you, in particular, be brief this time?

7 MR. BEIDEMAN: Maybe, maybe not. I got a lot of
8 issues. You know?

9 MR. ROGERS: All right, well, all I'm saying is,
10 we'll have some more time available tonight and tomorrow
11 morning.

12 MR. BEIDEMAN: Okay, well, how about if I get equal
13 time with Dave. Dave had 10, 15 minutes; I won't go over
14 that, okay?

15 MR. ROGERS: I'll give you five.

16 MR. BEIDEMAN: Yeah, well, first off, I don't think
17 that Dave has as much of the problems as he thinks he may
18 have. We just put 30 to 40 percent of the active boats in
19 this fishery out of business. Now, some of those boats are
20 playing around off shore and they're going to get hurt.
21 There's going to be people -- boats lost and people die, and
22 I'm sure that they'll probably try to hold National Marine

1 Fisheries Service liable. I believe they would be.

2 A PARTICIPANT: (Inaudible.)

3 MR. BEIDEMAN: All right, hang on. Well, we just
4 put 30 to 40 percent of this business out of business; and it
5 may take a little while, but that's happened. Your
6 redistribution model doesn't pan out at all. During that
7 process, we put out some numbers to you that we thought were
8 pretty relevant, and they were completely ignored. But in
9 the re-distribution model, you've got, you know, 40 foot
10 plastic boats being de-distributed to areas that they can't
11 possibly fish, that they can't even try. It's faulty.

12 There will be reductions. The East coast of
13 Florida, Florida East Coast, FEC area, if you look at dead
14 discard CPUE, that is the number one area for billfish
15 discards. If you redistribute anywhere outside of that
16 highest dead discard CPUE area, it goes down, even with
17 redistribution. We think that the model is faulty and that
18 you will, in effect, see bycatch reduction.

19 But one of the things I wanted to talk about is
20 this chapter. Again, you know, for the first time, NMFS is
21 trying to make some attempt that yes, there is bycatch in
22 other HMS commercial and recreational fisheries, but it

1 doesn't go to the extent that it should. You're not pointing
2 out where you don't have any information; you're basically
3 pointing out where you do have information on fisheries, and
4 continue to ignore the public testimony and the fact that you
5 don't have information on a lot of these fisheries.

6 In section after section, my comment is, what about
7 the other HMS commercial and recreational fishers? And
8 that's the same thing I write down every time there's a
9 chapter on bycatch, and it gets very frustrating.

10 Another thing is that some of these tables are
11 pulled, and the pulling method is highly controversial at
12 this point, as it's applied to the variables and areas and
13 quarters, especially in this district.

14 And I'm sorry that the safety issue upsets you,
15 Steve, but --

16 STEVE: (Inaudible.)

17 MR. BEIDEMAN: Well, it --

18 STEVE: A threat to the Service at this meeting is
19 out of line, Nelson. You know it and everybody else
20 (inaudible).

21 MR. BEIDEMAN: Well, I'm relaying --

22 A PARTICIPANT: (Inaudible.)

1 MR. BEIDEMAN: I'm relaying from my boat and it's
2 my job to represent them.

3 MR. ROGERS: Make (inaudible) and like I say, we
4 can have more time later (inaudible).

5 MR. BEIDEMAN: And in representing them, I need to
6 tell Chris that they are facing safety issues that have been,
7 in their estimation, created directly by National Marine
8 Fisheries Service's Actions, and they do estimate that boats
9 will be lost and lives will be lost. Now, I'm sorry if
10 that's out of order.

11 A PARTICIPANT: Thanks, Chris, I'll make this
12 really quickly. First, I'd like to echo what Jack said about
13 getting more data on release mortality. As we move to more
14 and more release type strategies for management, this becomes
15 a much more serious issue. We have a lot of fisheries now,
16 commercial and recreational, that rely heavily on releasing
17 live fish, and until we know what that release mortality is,
18 we don't really know what we're accomplishing with those
19 actions. And so I think it is important in both recreational
20 and commercial fisheries to understand what we're actually
21 accomplishing, as far as reducing fishing mortality rates.
22 And my second topic is just a question for you.

1 You sort of implied, maybe I misunderstood you, but I thought
2 you implied that the agency has to make a decision about, or
3 decisions about whether to reduce bycatch of turtles, for
4 example, or marlin or billfish or these types of issues. It
5 was my understanding that ESA species, listed species, sort
6 of trumped all the other issues. Is that not correct?

7 MR. ROGERS: Well, I'm saying that (inaudible)

8 (Interruption to tape.)

9 MR. ROGERS: There we go. All right, I got it now.
10 Master in technology here.

11 We're wrestling with the fact that it's a multi-
12 objective function. And we do get an incidental take
13 statement when we do a consultation on these fisheries, for
14 those protected resources.

15 And the ones that argue that as long as you're
16 within your incidental take statement, you're complying with
17 the law, well, you know, maybe that's one way to look at it,
18 but if you can do something to further reductions of
19 interactions with that species, you're not going to stop just
20 because you've met the guidance of your -- or the
21 requirements of your incidental take statement. So there's
22 certainly something that can always be done to further

1 reductions, further either the mortality incident with
2 interactions or with the actual interactions themselves.

3 We'll look at both fronts on a continuing basis to
4 try to reduce it in all areas of concern for us, whether
5 they're managed fin fish in our fisheries or in other
6 fisheries or protected resources. So it's not that we're
7 trying to request that the panel advise us that we need to
8 reduce billfish bycatch by 25 percent and turtles by 14
9 percent or this and that; we're constantly looking at the sum
10 total. And it's difficult if one were to try to say that
11 we're going to assign percentage reductions to all species in
12 hopes that you can come up with some solution to your multi-
13 objection function that fits in the bill.

14 Steve Sloan?

15 MR. SLOAN: (Inaudible.)

16 MR. ROGERS: Can you use the mike, please?

17 MR. SLOAN: -- one, which is stock assessment
18 updates. I think what Dave Wilmot has in mind there, there's
19 a column missing, which is, what do you need to bring it to
20 where you want it to be? Where's the formula? I'm not
21 necessarily -- maybe could read the formula, but if there's
22 one in there, it should be so stated. What's your objective

1 and where's the formula? It says, maximum fishing mortality
2 threshold.

3 Now, look at the right-hand column. This is some
4 hell of a record: over-fished, over-fished, fully fished,
5 over-fished, over-fished, over-fished, over-fished. You read
6 it from A to Z, but where is the column, which is what Dave
7 was bringing out, where is the column or the formula that
8 you're trying to achieve? It's not there, that I can see.
9 That's number one.

10 Number two, as I remember it, Nelson, you get 29
11 percent of 11,800 or 10,800 metric tons for the North
12 Atlantic swordfish, is that right?

13 MR. BEIDEMAN: Actually, I don't remember the exact
14 figures, but 29 percent is our allocation.

15 MR. SLOAN: Well, that was a -- 10 eight was the
16 Rio -- was the Rio Accord, so 10 eight times 2,200 is 23
17 million pounds. Is that right? No, it's 20,008 times 29
18 percent. It's thirty -- 3,132 metric tons times 2,200 pounds
19 is 7,000 pounds of fish. That's your quota for the North
20 Atlantic. It's seven million pounds, right? Okay.

21 A PARTICIPANT: (Inaudible.)

22 MR. SLOAN: What's the average hold capacity of

1 these vessels? Five tons, 10 tons?

2 MR. BEIDEMAN: It's a high range, Steve.

3 MR. SLOAN: Well, from what to what?

4 MR. BEIDEMAN: We've got small, medium and large
5 boats. You've got the one day boats that, you know, it's a
6 stretch for them to hold 3,000 pounds.

7 MR. SLOAN: Okay.

8 MR. BEIDEMAN: You've got the medium sized boats
9 that are mostly, I would say, between eight and 12,000
10 pounds.

11 MR. SLOAN: Three to 21, okay. You know what,
12 Chris? You could take this entire book, put it on the shelf
13 and never refer to it again if you would convert this whole
14 apparatus into, you fill your hull up, you come home.
15 Whatever you catch. You've cut out bycatch, you cut out
16 discards, that's the end of it, and if he gets his seven
17 million pounds of fish, he gets it, and if he doesn't he's
18 got to find ways to go fishing to get it.

19 And you've now cut out what is wrong with this,
20 which is the devastating destruction of the oceans through
21 bycatch. We don't know; we don't know what it is. You can't
22 figure it out. You can't even put it in a formula, you can't

1 put it on a table. Nobody knows what's going on.

2 And the third point is, I deeply, deeply resent
3 this business about billfish mortality. They don't come back
4 from the ice house floor. We're restricted to 250 killed
5 fish. Here's a man that's president of the West Palm Beach
6 Fishing Club, which self imposed on itself 30 years ago
7 release methods before anybody even thought about sailfish
8 being released. Millions of fish have been released by
9 recreational anglers, and now what? We're painted with a
10 brush that there's a mortality. Yes, there is some
11 mortality, but no way is it anywhere near the mortality of
12 what else goes on out at sea. And I'm not talking about the
13 United States alone.

14 Now, the quicker the --

15 A PARTICIPANT: (Inaudible.)

16 MR. SLOAN: Sixty years ago, well, fair enough, we
17 put a self imposed position. But Dave Wilmot's right: put
18 that formula in here so there's a bench mark. A man's reach
19 should exceed his grasp or what's a heaven for, somebody once
20 said. We should have it, otherwise it's not worth anything.

21 MR. ROGERS: Just to Jack and Steve's statements,
22 certainly on estimating post release mortality, TBF has been

1 very interested and has provided funding in that area. What
2 we learned, though, is -- and I'm only saying this so that
3 when we ask for something, be cautious of some distinctions.

4 We had Dr. Goodyear, who most of you know was
5 certainly one of the best analysts on statistics to do an
6 analysis for us two years ago, to see what it would take to
7 get a fair sample size in both recreational and commercial
8 fisheries, so that we could determine whether percents of
9 mortalities, post release mortality on billfish, or marlin in
10 particular, could be estimated. And because of all the
11 variables that exist in the commercial industry, with
12 different boats and with all the different variables in the
13 angling community, skill, boat size, line class, bait, etc. -
14 - I mean, the list just went on and on.

15 The variables were so great that the amount of
16 money ended up that it could cost just to get a fair sample
17 was about \$43 million, you know, and at that point we said,
18 well, you know, we can't fund this.

19 Now, what you're seeing and what we support,
20 certainly to get a percent, to be able to say X percent for
21 this and this, because my -- you know, what stress I'd put on
22 a fish in a chair is going to be different perhaps than Moe

1 or Steve. And so the same -- the variables within the
2 commercial industry, too.

3 But what we are seeing, and we applaud, are the
4 studies that were done since then, say in Bermuda, and some -
5 - and with the long line boats out of Florida, looking at
6 whether -- the question of whether the fish can survive
7 release and not -- you know, because you can get that and see
8 clear trends, which that one study, and there are others that
9 are going to be going on this next year and the next year,
10 and I assume because it's the hottest thing, it seems, with
11 the scientific community -- but we won't have a percent but
12 you will definitely see trends on whether they can survive
13 the release.

14 A PARTICIPANT: Thank you, Chris. This is a little
15 bit different subject and it won't take me but a second, but
16 the state of Georgia asked me to bring this to the table.

17 And apparently the billfish plan is one of the only
18 plans that takes the management measures all the way up to
19 the beach. Other plans allow the state to regulate in state
20 waters so they can control what's landed. Apparently, and
21 maybe the lawyer here can answer that question, but that's
22 the legal determination from the state of Georgia.

1 What they would like to do to solve this, since
2 they just have passed, or are in the process of passing, a
3 bill to prevent any landing of billfish in the state of
4 Georgia, they would like to have the billfish plan modified
5 as follows, and I'll read what they would like to put in
6 there: for allowable Atlantic billfish, if a state has a
7 catch landing for gear regulation that is more restrictive
8 than a catch landing or gear regulation in this FMP, a
9 personal landing in such state Atlantic billfish taken from
10 the U.S. EEZ must comply with the more restrictive state
11 regulation.

12 So they would like to have that in the next, I
13 guess, modification to the plan. It also asks for the
14 support of the HMS AP here for that change. Thank you.

15 MR. SUTTER: Moe?

16 DR. CLAVERIE: A point I was thinking of, quick:
17 this table that you've put up showing bycatch reduction of
18 marlins, other fish too, but marlins, depending on whether
19 all the boats get out of the fishery or whether there's
20 redistribution of effort, what are you going to do if a U.S.
21 vessel re-flags to go somewhere else? Are you going to be
22 able to count that as redistributed effort or what? Because

1 it's actually going to be mortality on the same marlins.

2 Have you given that any thought, or -- how to go about doing
3 it, or what -- or is there some prohibition against re-
4 flagging, or how does that work?

5 MR. SUTTER: There's not a prohibition on re-
6 flagging. I would hope that when they re-flag, the nation to
7 which they re-flag is reporting appropriately, and to the
8 extent that they're ICCAT members, their activities, effort
9 and catch, and hopefully bycatch would show up in ICCAT
10 statistical reports.

11 DR. CLAVERIE: Well, if that's --

12 MR. SUTTER: If a flag of convenience, then we'll
13 have to address that through the ICCAT process of --

14 DR. CLAVERIE: Well, you wouldn't get that
15 individual vessel's data, I don't think, through ICCAT, would
16 you? I mean, you might even not know the name. But that
17 would be a shift of effort from a less of -- I think I'm on.
18 You can't hear me? You can't hear me? I'm sorry. I'm very
19 sorry. Mariam couldn't hear me, so the whole thing is
20 invalid.

21 If a -- what we're trying to see is if this
22 management measure will reduce bycatch of those species, and

1 -- or whatever species. And so we're talking about an
2 Atlantic wide fishery. So if the vessel Nelson's Pride re-
3 flags in Mexico and starts fishing the same fish, but in the
4 Caribbean, are we going to be able to keep up with Nelson's
5 Pride to see if their actual bycatch increased or decreased
6 or what? That would be the only way we could get numbers on
7 that particular -- our scheme in the United States waters, is
8 what happens if it moves elsewhere.

9 MR. SUTTER: Well, that's a good point to the
10 extent that they are re-flagged to non-ICCAT parties. I
11 guess we'll have to try to raise these when we have bilateral
12 meetings, is to keep us apprised of re-flagging and --

13 A PARTICIPANT: (Inaudible.)

14 MR. SUTTER: Right.

15 A PARTICIPANT: But even if it's an ICCAT country,
16 they don't report (inaudible) vessels (inaudible).

17 MR. SUTTER: No, but we can enter into discussions
18 with them as to re-flagging issues. We can raise that as an
19 issue in some of our either bilateral or multi lateral
20 meetings, is --

21 A PARTICIPANT: (Inaudible.)

22 MR. SUTTER: To keep us apprised of situations

1 where U.S. vessels are re-flagging.

2 A PARTICIPANT: ICCAT (inaudible) that if you re-
3 flag your vessel (inaudible).

4 MR. SUTTER: All right.

5 A PARTICIPANT: (Inaudible.)

6 MR. SUTTER: I think we'll -- Liz?

7 LIZ: I just wanted to very quickly get back to
8 this idea of a bycatch reduction plan. It's come up a couple
9 times in this meeting, not just with bycatch. The Shark
10 National Plan of Action, with our discussion of observers
11 yesterday, I think we're hearing a lot and frequently that
12 people want to know what the priorities are, people want to
13 know what actions might be considered, and when we know that,
14 we'll be there. I would think that if you're a regulated
15 fishing vessel, you'd certainly like to know when you're
16 going to be there.

17 I'd contrast this with the rebuilding plan, where
18 we know where we're going. People have some expectation
19 about how long it's going to take, what kind of actions we're
20 going to need to take to get there, and when we're going to
21 be done. And I think that's the same kind of thing, as far
22 as bycatch reduction goes, observers, the Shark National Plan

1 of Action: it would be very helpful to have a better
2 understanding of where we're going and what the next
3 priorities are maybe included in the next safe report.
4 Thanks.

5 MR. SUTTER: Okay, I certainly take that point. It
6 has been expressed by many people that we need to have a, I
7 guess, more robust discussion of our approach and evaluation
8 methods of dealing with bycatch reduction. This is part of
9 the biological opinions that we get when we're dealing with a
10 protected species, in so far as the incidental take statement
11 and the (inaudible) measures to give us some guidance as to
12 how we will evaluate what's required to monitor the
13 fisheries.

14 And we'll try to do a better job of that in our
15 next safe report, with a more comprehensive treatment of --
16 evaluation of past actions and a more robust explanation of
17 what our multi-objective function is and how we would go
18 about solving the problem.

19 Is that -- Glen, did you have a comment? I noticed
20 you put your card down after waiting patiently, so maybe
21 somebody else had addressed. I think we'll come to closure
22 on this point now. We can certainly take it up. We'll have

1 some more bycatch discussion tomorrow morning when Bill
2 Hogarth is here, and as time permits we can further this
3 discussion during tonight's public comment session.

4 So please be back here at 7:00 and what we'll do
5 first is, we'll deal with the three items that have been
6 published in the Federal Register and are out for public
7 comment, and then we'll take additional comments from the
8 public, as well as AP members.

9 (End side B, tape 7.)

10 MR. ROGERS: -- as we had done with the original
11 rule, that it was multi-objective in nature, that we needed
12 to look at the balance between the swordfish discards, the
13 billfish discards, impacts on -- potential impacts on other
14 protected species interactions, and also profitability of the
15 fishery.

16 So what we did is basically the same type of
17 analysis that we had done for the August 1st rule- making,
18 looking at the vessels that fished in that area at that time:
19 what they caught, what the bycatch rates were, what the
20 discard rates were, figure out the dead discards. And be
21 basically compared what was -- had expected to have occurred
22 in February, had it been closed, versus what might be

1 projected to occur in May.

2 So again, the objectives and the analytical
3 techniques were the same as for the rule making that had set
4 up these closed areas.

5 So obviously the status quo would be we would just
6 say it was a loss due to the delay, that the closure would be
7 two months this year. We looked at extending it one month,
8 for the month of May, and extending it two months, through
9 June.

10 It's a little bit confusing, but if you think
11 through it carefully, it makes sense, our terminology here:
12 basically what we were saying is that we had expected some
13 reductions in dead discards for several of these animals
14 during the month of February, that obviously did not occur to
15 the extent that people were fishing there anyway, because of
16 the delay, and comparing a closure in the month of May
17 against what we had expected to occur in February.

18 Willy?

19 WILLY: Can you tell me why there's not enough
20 (inaudible) satisfy (inaudible) explanation (inaudible).

21 MR. ROGERS: Well, there would be benefits and
22 costs to that, as well, and the other two options were

1 evaluated against that as the base line.

2 WILLY: (Inaudible.)

3 MR. ROGERS: Well, again, the discussion under the
4 extension through May and the extension through June would be
5 in comparison to the status quo, so what is a benefit for one
6 is a cost for the other, so to speak.

7 WILLY: (Inaudible.)

8 MR. ROGERS: Well, obviously the benefits, in terms
9 of our objectives, one of the objectives being the
10 profitability of the fishery with respect to target catch,
11 would obviously be increased on the status quo, relative to
12 the others. You know, that's what would occur: people would
13 fish during the month of May.

14 So what we're trying to do is examine what had been
15 expected or projected, in terms of swordfish discards that
16 would have been avoided during the month of February. Would
17 they be regained?

18 Regained may be -- as I said, it's a little bit
19 complicated terminology, regained because they -- what was
20 projected to have occurred would now occur, to some extent,
21 in May. But maybe not the same rate, because the
22 availability of different species in that Charleston Bump

1 area in May is somewhat different; the catch composition's
2 different; the interaction rates with protected species,
3 other fin fish resources of concern, are a little bit
4 different in May than they were in February.

5 So basically what we're saying is, half of the
6 discard -- swordfish dead discards that we had projected
7 would be avoided in February would be avoided if we extend
8 into May.

9 So not completely the same; you know, basically the
10 small swordfish problem was deemed to be greater in the month
11 of February than it would be in May. It would regain most of
12 the large coastal shark discards that were expected to have
13 been reduced in February. There was a slight increase,
14 although the numbers were pretty low in terms of billfish
15 interactions, for the month of May versus February, but it
16 was slightly tipping the scales, so to speak, in that more
17 billfish discards would be avoided in May relative to
18 February.

19 So again, that's answering your question, Willy.
20 That's sort of, you know, with respect to the status quo,
21 which left February open.

22 Once we extended -- looked at the numbers extending

1 it through June, would regain most of the swordfish discards.

2 In other words, the swordfish discard rates in February were
3 basically high enough so that it would take a two month
4 extension, May and June, to equal that in terms of bycatch
5 reduction.

6 It would further increase the savings, in terms of
7 billfish, reduce billfish interactions, and large coastal
8 shark and sea turtles. But again, that would come at a
9 further cost in terms of lost target catch, lost fishing
10 opportunities.

11 Looking at the activity in the area, approximately
12 20 vessels fish in that area each month, at least during the
13 Spring, early summer. Approximately 22 dealers on our dealer
14 reports bought fish from those vessels. The status quo
15 alternative was basically leaving it as it has occurred, with
16 February being open. We estimated the average gross revenue
17 per vessel in February was about \$14,000. I guess -- yeah,
18 that would be a monthly average for the month of February.

19 Extending it through May, the average gross revenue
20 per vessel was about 25, so you could see the target catch
21 were higher in the month of May. So the difference between
22 February and May was about almost \$10,000 in terms of

1 revenues from target catch.

2 As I said before, the loss in target catch would be
3 even greater if it was extended for two months, from May on
4 into June, with a basically net loss in target catch to
5 \$25,000 per vessel for those 20 vessels that have submitted
6 log books indicating they fish in that area during those
7 months.

8 So basically, that's what we had done, it was
9 balance the recovered savings, in terms of discard
10 reductions, looking at May relative to the status quo, and
11 May and June relative to the status quo. And we concluded
12 that there was an increased cost as we moved in to June, with
13 respect to lost target catch, and decided to take what we
14 deemed to be a step towards recovering what was lost in
15 February by having an extension into May. Again, that would
16 be for this year only and we would go back to the February,
17 March, April closure in future years.

18 So it's a consistent analysis with what was done
19 originally. Hopefully this concept of recovering lost
20 bycatch gains is not too confusing, but again, that's what
21 we're trying to do, look at what we had expected to occur,
22 both benefits and costs, in February but did not occur,

1 compare that to what we would project to occur in May and
2 June, and then balance those results against the original
3 objectives of the closure rule, and concluded that a May
4 extension was the preferred alternative.

5 Linda?

6 DR. LUCAS: What did you use to estimate the
7 revenues for May, the prior May or something like that?

8 MR. ROGERS: Well, I think it was an average of
9 several years from log book reports.

10 DR. LUCAS: But from the month of May? I mean, did
11 you (inaudible) --

12 MR. ROGERS: Right, for the month of May. Right.
13 I'm not exactly sure whether it was three or five years,
14 whether we used '98 and '99, 2000, but that -- I believe we
15 have some copies of the environmental assessment here, with
16 some more details on the calculations.

17 Any other comments from AP members? Gail?

18 MS. JOHNSON: Gail Johnson. You're asking for
19 opinions, here. My opinion is, for extending this into May
20 puts a terrible financial burden on these boats. \$25,000, if
21 that's -- that is the difference between keeping your boat
22 and having a terrible year that you might not recover from.

1 Thank you.

2 MR. ROGERS: Again, that was an estimate of gross
3 revenues, not net, but you know, certainly it's a significant
4 amount.

5 MS. JOHNSON: (Inaudible) -- annual revenues lost
6 to fishermen.

7 MR. ROGERS: Net.

8 MS. JOHNSON: Yeah, average net annual revenues
9 lost to fishermen could increase to 25,000, and total gross
10 revenues lost could increase to \$742,000.

11 MR. ROGERS: Well, the net with respect for one
12 month to the other, and the gross would be in terms of the
13 aggregate. Maybe the terminology there isn't the best for
14 those who are economically inclined, but it was a net with
15 respect to one month's gross revenues per vessel, average
16 gross revenues per vessel, versus the other month. And the
17 use of the term gross there is the aggregate of all the
18 vessels that are fishing in the area.

19 So in other words, if there was a \$25,000 decrease
20 in net revenue, or in gross revenues per vessel, by fishing
21 in February but not fishing in May and June combined.

22 Am I losing you? Sorry about that.

1 But yeah, again, the numbers were just comparing
2 target catch time average prices for those months in those
3 areas, and we looked at the gross revenues per vessel; at
4 least that was my understanding of it. You know, if I'm
5 wrong, somebody can consult the environmental assessment.

6 I believe it's just a maybe improper use of the
7 word -- not improper use of the word net there, but net in a
8 different sense than revenues minus cost: net comparing
9 February against June and May.

10 Nelson?

11 MR. BEIDEMAN: Nelson Beideman, Blue Water
12 Fisherman's Association. One of the striking things that I'm
13 getting from the boats that are down in that area in February
14 is that February this year was basically a wash. The weather
15 was terrible. The boats that did sail couldn't stay out on
16 their trips. One boat came in with less than 150 pound of
17 swordfish. And that February, in actuality, this year, was
18 the same as having a closure.

19 MR. ROGERS: Okay.

20 MR. BEIDEMAN: Now, NMFS has that data. I know
21 that it might be a little bit to dig that out; it might be a
22 phone call to Andy and a phone call to Gene.

1 MR. ROGERS: Right.

2 MR. BEIDEMAN: But you can certainly pull that data
3 out and see what the reality of February really was.

4 MR. ROGERS: Okay. Mm-hmm.

5 MR. BEIDEMAN: I'm also told that as far as gross
6 revenues for the month of May, you're looking more at 40,
7 \$45,000 than the 25.

8 There's quite a few points that we'll have in our
9 written comment, but I want to go over a few of the things,
10 you know, tonight.

11 One of the things is that, even though we've
12 repeatedly and repeatedly, every comment we've made for the
13 past I don't know, five, six, seven years, we've told you,
14 this fishery can't deal with short comment periods. It
15 completely prevents the affected fishery from being able to
16 participate in the public process.

17 Those boats that are scrambling to try to stay in
18 business are out on the ocean. Fifteen day or whatever it is
19 comment period excludes the affected fishermen from the
20 process. Even in this case where there's closures, those
21 guys are scrambling to try to stay in business. And not
22 having a hearing in that directly affected area is even

1 worse.

2 Secondly, there is no urgent conservation need for
3 this. It's as if the National Marine Fisheries Service
4 itself has gone in the business of creating chicken little,
5 and that's Dave Wilmot's job. I mean, seriously, we have a
6 rebuilding swordfish stock; one month closure by the little
7 minuscule effects of the U.S. fleet isn't going to have a big
8 impact on that. And your figures are, what's it say, six
9 sailfish, six blue marlin, twelve white marlin? There's no
10 conservation imperative. I believe it's a ploy to the judge.

11 Third, NMFS' mistake ends up in punitive measures
12 on the fishermen. It wasn't the fishermen's fault that the
13 coordinates were wrong; it was National Marine Fisheries
14 Service's fault, and now that's being thrown on the backs of
15 fishermen.

16 The only other thing is the safety issue that I had
17 brought up before, and I can't tell you how serious that
18 issue really is. What happens here is, we've got little
19 fiberglass boats that were basically built to fish on the
20 Western edge of the Gulf Stream. Those boats go out in good
21 weather, and then they dash in if there's any expectation of
22 bad weather or if the current shifts, wind shifts and sea

1 conditions change.

2 Well, we've taken those boats that are only built
3 for the Western side of the Gulf Stream and now they're
4 forced hundreds of miles offshore, to the offshore side of
5 the Gulf Stream. Even if they get the best weather reports
6 in the world, when they dash for the beach, they have to come
7 through that most dangerous oceanographic feature, maybe
8 under, you know, storm conditions.

9 And it's not good, and I can't stress enough that
10 things will occur. And, you know, we're all going to have to
11 live with that one way or another.

12 But the whole thing is, it seems to be NMFS either
13 playing a willing partner to or playing puppet to this
14 creating a conservation imperative and agenda to eliminate
15 this fishery. I'm very, very sorry to see it.

16 I request that data that NMFS, before they, you
17 know, seriously consider this action, dig out that data, find
18 out what February was; find out if all this hocus pocus about
19 lost supposed benefits holds up.

20 MR. ROGERS: All right, I will check with Gene and
21 Jerry on the availability of those log book reports for
22 February and as you say, it could very well be true that we

1 did a retrospective analysis of what had occurred in February
2 in the past, and if that did not occur this February, then we
3 need to reassess the calculations that were done.

4 Jack Devneu?

5 MR. DEVNEU: Without I guess trying to avoid
6 covering the same ground that Nelson and Gail did, I would
7 like to say that certainly in the grand scheme of the
8 conservation bang that, you know, hopefully will come out of
9 this great sacrifice down there of the time area closures,
10 you're looking at a conservation benefit that happens over
11 time.

12 And a one month delay in February of this year
13 would seem to me a de minimis issue in terms of conservation,
14 while on the other hand, the revenue is not. I don't think
15 when you're looking at the cost- benefit analysis, it's
16 properly viewed, especially through time. The revenue loss
17 and the fishing opportunity lost there in May is immediate.
18 It's not something that's amortized over time. It's an
19 immediate loss on an already stressed fishery. These boats
20 that would fish out there, many of them are already affected
21 by the closure. They're in a transition period, and it's a
22 very bitter pill to swallow for them to be looking at other

1 closed areas and something that they were looking forward to
2 for their pocketbooks is being sacrificed here in May just to
3 make up for one month out of a closure that's -- I mean,
4 assuming the closure, and it may even be a long assumption,
5 assuming the closure even stands up in court, you know, to go
6 ahead -- you know, if it does, it's there for a long time.

7 And to try to make a conservation argument of a one
8 month delay in putting it in, you know, to take another month
9 away that's a much better month for fishermen, is -- I just
10 don't think it's justified.

11 MR. ROGERS: Any comments, more comments from the
12 panel? Okay.

13 MR. PRIDE: Bob Pride. I was going to ask at the
14 beginning of this discussion, Chris, after your presentation,
15 whether or not you actually knew which vessels fished in the
16 closed, or the potentially closed area, in the month of
17 February. Do you know if it was the entire 22 vessels or was
18 it three or four of them? Or, I mean, you know, what's the
19 impact, as Nelson was pointing to? I mean, how many fish
20 were actually caught? How many vessels actually fished?

21 Some people obviously took advantage of this delay,
22 and others probably did not.

1 MR. ROGERS: Right. Right. That's correct, and we
2 can make a call down to (inaudible) log books are turned in
3 to Southeast Fishery Science Center, and we'll get a handle
4 on that. Obviously we were working on the proposed rule
5 during the month of February, so we didn't have real time
6 access to that data. But I believe if everybody complied
7 with their seven day requirement, those log books should all
8 be turned in, and if not entered and quality checked, at
9 least we can get hard copies of the forms submitted. So --

10 MR. PRIDE: Yeah, I would just hate to see us
11 punish 22 boats for, you know, two months if only three or
12 four boats violated and there weren't very many fish
13 involved, as Nelson suggests. And maybe we're talking about
14 a 10-day additional closure or something like that. So --

15 MR. ROGERS: David Wilmot?

16 A PARTICIPANT: (Inaudible)

17 MR. ROGERS: The boats that fished in February were
18 not in violation because we had delayed. So the question is,
19 how many boats actually took advantage of the delay, so to
20 speak. Right.

21 MR. WILMOT: David Wilmot, Ocean Wildlife Campaign.
22 We're putting together written comments. We support an

1 extension through the end of June. The rationale for this is
2 on conservation grounds. The benefits that would have been
3 gained from a February closure can be made up with the two
4 additional months.

5 This is not a one-month delay. We've been working
6 on this for a number of years. This should have been in
7 place several years ago, at least two years ago. We're
8 finally getting them on line, after a very long fight.

9 There are many who actually, on conservation
10 grounds, felt that this region should be closed year round,
11 so I think that many fishermen should be pleased that they
12 are only having a three-month closure out of the year.

13 But simply to make up for the agreed-upon
14 conservation savings that were necessary to reduce bycatch to
15 an appropriate level, we support the extension through June.

16 MR. ROGERS: Glen?

17 MR. UHLRICH: Glen Uhlrich, South Carolina. I've
18 been contacted by some of our pelagic long line fishermen,
19 and I'd like to agree with what Jack and Nelson have said, in
20 large. They have been -- essentially, it was being proposed
21 that they be penalized for a mistake that was made in the
22 publishing of the boundaries of the area, and I don't see the

1 conservation imperative. They don't see it. They say that
2 May is one of their best months for production, and I think
3 it's an unfair burden on these fishermen.

4 MR. ROGERS: Any comments from members of the
5 public? Do we -- can you come up to the table and borrow a
6 mike? We may be able to hear you, but the mike won't -- the
7 tape won't pick it up.

8 MR. HUMERIGHT: I just wondered if we could be able
9 to get comments about all this at one time, are you giving
10 right now, or different things as you're talking about it? I
11 would give my comments on this particular part.

12 I'm a commercial fisherman and 100 percent of my
13 income comes from commercial fishing. I come up here a lot
14 of times to these meetings and I look around the table and I
15 see the same faces and everybody's interested in the fishery.
16 This particular thing has really hit hard home because it's
17 getting closer to home of where we're shutting the oceans
18 down.

19 National Marine Fisheries, they come up with this
20 thing, and I called up there and I said, well, where did it
21 come from? You know, somebody had to put in somebody's mind
22 that let's shut it down for another month, and for what

1 reason. So I called up the National Marine Fisheries.
2 They're always helpful in getting the information out of
3 whatever I -- a lot of times we don't agree, or they ain't
4 there to agree or disagree with them; they're just there to
5 help out the public.

6 So I get these four letters. I said, well,
7 something had to trigger National Marine Fisheries' thought
8 into why to do this, so the three letters I got was from the
9 state of Georgia, the state of South Carolina, Senator
10 Hollings' office, with four -- with like three Senators and a
11 couple of Congressmen signed onto it, to do this extra
12 closure.

13 It seems like when you look at this thing, it's not
14 done -- it's not going to be done on anything that's really
15 conservation-minded or would look at the fisherman who's
16 always -- we shut down half the ocean to save the swordfish,
17 but the other countries don't give a darn about, or we want
18 to protect the billfish and stuff like that.

19 I think this is done more because of -- this is
20 just my personal belief, and everybody, you know, it's just
21 my thought that it's probably done more because the state of
22 South Carolina don't want long line boats off their coast

1 maybe during the mahi-mahi season. I've been on advisory
2 panels for the South Atlantic Council for North Carolina, and
3 just as advisory panel member, and it's -- you know, a lot of
4 this stuff, we sit here and talk around it and a lot of
5 people don't want to talk about it, but politics does play a
6 particular role in this, in our industry, whether we like it
7 or not.

8 I believe this closure, this asking of this
9 closure, bringing forth the National Marine Fisheries as a
10 result of these letters, given to National Marine Fisheries.

11 Because they had to -- they just don't -- I mean, I know you
12 all are busy and stuff, but this stuff just don't pop in your
13 mind overnight; something's got to push you or get you to
14 work that way.

15 And I just really find it hard to believe that
16 listening to Nelson talk about the long line boats and having
17 friends that were in this area of closure -- sound like in
18 March when it was closed and they happened to have a beeper
19 buoy on their boat, and some (inaudible) had to go, like, 70
20 miles back to the dock to unload this stuff because they're
21 in this area fishing for sharks on the bottom.

22 And it's real tough out there when you look at the

1 economics of it. I mean, just a little bit of making the
2 trip or not could make or break you, but you all people ought
3 to be looking at the -- it's like you just don't look at the
4 full picture. I know you look at parts of the picture.

5 And one other thing, I want to give some more
6 comments. I was looking at you all's 2001 stock assessment
7 for your stuff here. I'm not a -- I got a 12th grade
8 education. I work on the water. This is about, and I'll put
9 it lightly, this is -- if this is an evaluation of our
10 fisheries, it is pathetic. The pathetic part about it is,
11 there are so many innuendos, maybes, could be, well, we don't
12 know. I mean, it is -- and like I said, they say evaluation
13 here. It is just -- it's really sad.

14 And the sad part I see about it is the commercial
15 fisherman use of the highly migratory species lacks --
16 because it is pathetic. I mean, and I'm pretty sure I'm
17 putting the words on strong because it's affected me and
18 taken away -- but you should go back and look at the
19 economics of it.

20 You should tell the public the real reasons why
21 this was brought to National Marine Fisheries. There has to
22 be a reason why. I mean, you at least be, you know,

1 forthright in telling, hey, well, we got four or five people
2 sent some letters up here and this is what they want, so we
3 got to act on it. I mean, you know, we can take lumps and
4 bumps and I'm pretty sure you're going to do what you want no
5 matter what; that's pretty much what happens.

6 And so maybe you should look at the economics and
7 maybe the closure there was for the month of February, when
8 there wasn't a closure; maybe nobody's fishing there.

9 Hey, maybe we did save 20 billfish, but I think the
10 reason for the wanting of the closure and the writings from
11 the states that did it was because they don't want no long
12 liners off their coast in the months of May and June when
13 there's mahi-mahi fishing. That could be one reason, but
14 that's just my point of view. Thank you.

15 MR. ROGERS: Any other comments? All right, well,
16 we will be accepting written comments through April 9th, and
17 we will get a hold of those log sheets for the month of
18 February, and when we finalize the environmental assessment,
19 we'll include that data.

20 All right, our next item, Brad McHale is going to
21 go through -- he went through it briefly this morning, to
22 touch on some issues of quota rollovers and the restricted

1 fishing date schedule, or implementing effort controls. He's
2 going to elaborate more on that and what we have proposed for
3 the 2001 fishing season.

4 (Interruption to tape.)

5 MR. ROGERS: What's being passed around is a table
6 that basically goes through what the quotas were last year
7 for bluefin tuna by category; what was caught or estimated to
8 have been caught, recognizing that the fishing year is
9 ongoing for several categories; that was the remainder
10 available for carryover or over harvest in the case where
11 that occurred; and how that would be carried over for this
12 year. So it's pretty much, go right across the table and you
13 can do the additions and subtractions and get the end result
14 there in the last column.

15 A PARTICIPANT: (Inaudible.)

16 MR. McHALE: For those that weren't here to join us
17 earlier this morning, my name is Brad McHale, fishery
18 management specialist for the highly migratory species
19 division located up in Gloucester, Massachusetts.

20 I'm just going to run through the presentation very
21 briefly, seeing that we had gone through it this morning, and
22 then if there are any questions, we can get to those after

1 the presentation is complete.

2 What I'm going to be presenting is the 2001 fishing
3 year, bluefin tuna quota specifications and general category
4 effort control. Come out annually, we kind of set up the
5 rules for (inaudible) fishing and for the bluefin fishery,
6 and they just recently came out. I believe they went out
7 over our fax network on Friday afternoon.

8 In the table, in high detail, it will show you some
9 of the underages and overages for each individual (inaudible)
10 and how that's a little lower for the 2000 fishing year. One
11 thing to keep in mind, that those numbers are preliminary,
12 seeing that the 2000 fishing year continues on until May
13 31st.

14 We'll also be dealing with our general category
15 effort control, which consists of quotas, time period sub
16 quotas and a restricted fishing date schedule.

17 Here we have the quota allocation percentages as
18 specified in fishery management plan. And also here on the
19 right-hand side is the quota equivalent (inaudible), you
20 know, the annual base of the 1,387 metric tons as is
21 recommended by ICCAT. And you'll find that in that table, as
22 well.

1 When we have a situation of over harvests, how we
2 handle that currently is, what we do is, we subtract that
3 over harvest from the individual quota category in the
4 subsequent fishing year. But the agency also has the ability
5 to chose, allocate any quota or some portion of quotas, in
6 the reserve category, any individual quota category, if
7 deemed necessary.

8 And there's also a dead discard allowance, which is
9 on top of that 1,387 that's shown in the table for dead
10 discards.

11 In the case of an over harvest, those categories
12 that contributed to the over harvest will see a reduction in
13 the difference between the allowance and what was actually
14 landed over that amount.

15 In the situation that we have under harvest from
16 one fishing year to the next, again, that under harvest is
17 added to the individual quota categories in the subsequent
18 fishing year.

19 For the dead discard allowance, it changes
20 somewhat. Based upon an ICCAT recommendation, the agency can
21 take half of the difference between the allowance and the
22 underage, and then has the ability to reallocate that to

1 individual fishing categories or to the reserve.

2 Here's the table, pretty much that you have in
3 front of you, with considerably less detail. It just kind of
4 shows the underages -- excuse me, it shows the underages from
5 the 2000 fishing year -- again, these numbers are
6 preliminary; the base allocations for the 2001 fishing year;
7 and then the end results then. And it's not completely
8 broken down into all the sub (inaudible) that are in the
9 table in front of you.

10 There's two specific issues I had mentioned earlier
11 today, that the agency is seeking comment on. One of those
12 is how to address these excessive overages for an individual
13 category from one year to the other, and earlier today we had
14 a very thorough discussion on that. So I'll just touch
15 briefly on that, as well.

16 Currently, underneath the status quo, as I had
17 mentioned, we roll that quota over to each individual
18 category that had the underage in the previous fishing year.

19 Some of the up sides of this is that the individual
20 categories retain their quotas, and they're not necessarily
21 punished for not attaining that quota in a given fishing
22 year. Some of the down sides, as I had mentioned, is that

1 excessive amounts of quota end up rolling over from one year
2 to the next and even to the next year, if it continues on in
3 an individual category. This could lead to a potential
4 technical effects on biology if we're targeting a particular
5 year class, and we had mentioned that pretty thoroughly
6 earlier today, as well.

7 One of the options that we could do is, we could
8 adjust those quota allocation percentages that I showed in
9 their earlier slots. Some of the benefits of this is that we
10 could make these numbers reflect landings recent -- one of
11 the downsides is that could be an extensive rule making. I
12 believe that would make -- be in the order of an amendment to
13 the FMP to get those numbers changed, not to mention that
14 it's an all around contentious issue, as well.

15 Third option is that we could limit the individual
16 quota category, rollovers, from one year to the next. By
17 doing this, we may alleviate some of these expensive
18 rollovers from one year to the following fishing year. Some
19 of the down sides is that it can be perceived that we are
20 punishing categories if they do not attain their quota in the
21 given fishing year.

22 Earlier I gave an example. Say, for instance, the

1 general category, if their base line quota is 654, I believe
2 if you were to use a 20 percent cap there, 131 metric tons
3 would be that level. So anything up to that level would
4 remain in the general category; any quota in excess of that
5 amount would then be redistributed amongst domestic
6 categories, based upon those quota allocation percentages in
7 that (inaudible).

8 I'm going to switch gears here and we'll get into
9 our general category effort control. As I mentioned earlier,
10 they consist of primarily two parts. The first part are the
11 time period sub quotas, our break down of the general
12 category coast wide quota from June through August, the month
13 of September, and October through December. These are
14 intended to distribute the temporal and geographic
15 opportunities of the fishery, to extend the fishery, and to
16 assist in extending the fishery to market (inaudible) to
17 alleviate glut, and to collect CPUE data for an extended time
18 frame, as well.

19 The next two slides here are just kind of examples
20 of the differences in catch rates you can experience in
21 relatively short time periods. Here we have the catch rates
22 for the 19998 season. The graph starts with July first, just

1 due to the fact that we implement, or have implemented,
2 restricted fishing days, usually about mid July.

3 Here we see two relatively large gaps; those are
4 after time periods had reached the closure point. And pretty
5 much what this graph here just shows is that the landings can
6 be highly concentrated.

7 When you compare that to the catch rates of the
8 2000 fishing year, here we see that it kind of more or less
9 bumbled along. The fact that these restricted fishing dates
10 weren't quite necessary to extend the fishery; it was
11 extending itself, just due to the behavior of the fish and
12 the catch rate over all.

13 Here we have our 2001 proposed restricted fishing
14 date schedule. All right, Sunday, Monday and Wednesdays and
15 a few selected Japanese holidays. This is status quo of what
16 we have implemented in years past. One thing to mention,
17 last year that we started, we mentioned some of these
18 restricted dates in October. Going back to the previous
19 slide, seeing the catch rates were relatively low, we did end
20 up waiving 10 restricted fishing days towards the end of the
21 season. And on some of the comments we received, we could
22 have waived more or should have waived more, depending on who

1 (inaudible).

2 Some of the alternatives addressing this restricted
3 fishing date schedule is that we go with the status quo: the
4 Sunday, Monday, Wednesday and selected Japanese holidays. As
5 I'd mentioned, it distributes or helps distribute the fishing
6 opportunities, both temporally and geographically, throughout
7 the -- throughout. And it may increase certain prices, in
8 the sense of reducing market gluts, and it's also consistent
9 with what we've done in years past, although it seems that
10 that wouldn't be a sole criteria of keeping it (inaudible).

11 Some of the down sides that we've heard, especially
12 last year, is that having the schedule implemented in the
13 beginning of the season does not incorporate flexibility for
14 the variations in catch rate. So for instance, you have some
15 fishermen that take the harpooning sector of the general
16 category, where they need a glass calm day. If that day is
17 closed, they're not to fish. Then who's to say that on an
18 open day it's not blowing as well? So it doesn't incorporate
19 any variations in the weather.

20 A second option here that I'm presenting is that we
21 could establish a restricted fishing date schedule, but have
22 a delayed implementation based upon some sort of triggering

1 criteria, whether it's -- you know, a good example would be
2 three or four consecutive days of a level of metric tons, 15,
3 20, what have you, before that schedule did not kick off.
4 That way if catch rate is down, that fishery can remain open
5 and if things start to go off like gang busters, we can
6 implement some of these days to slow things up just a bit.
7 It incorporates that flexibility that establishing that
8 schedule right up front may not.

9 Some of the down sides of doing this, and we've
10 heard more from our charter head boat constituency: they
11 enjoy knowing what their season's going to look like right up
12 front for their own planning purposes, where they have
13 permits from other fisheries.

14 Third option here is actually two combined: we
15 could either adjust or eliminate the restricting fishing date
16 schedule altogether. The fishery management plan had
17 addressed a number of different schemes on how those
18 restricted fishing days may look. Or we could eliminate them
19 altogether, as well as either adjust or remove the sub quota
20 time period.

21 Some of the benefits is that if catch rates
22 resemble what they were last year, the season can extend

1 itself. And that would allow fishermen to chose the days
2 they decide to go fishing and the days they decide not to.

3 Down sides of this, in going back to those catch
4 rates or the slide for 1998, and goes back to 1997 as well,
5 is that we could have potential early closures. We can see
6 that the landings can be highly concentrated, and hence
7 causing those early closures. It could also limit the
8 geographic opportunity and the temporal opportunity of
9 different constituents in different areas. Target the
10 species, if we do see things go off like gang busters. Some
11 (inaudible) may not (inaudible) may not have an opportunity
12 to react and get to where the fish actually are.

13 Again, the agency is seeking comments on these two
14 specific issues, and as well, we're going to open this
15 discussion up to discuss any quota or any other issues that
16 people may have on their minds in regards to the upcoming
17 (inaudible). Just keep in mind that May 14th is the close of
18 our comment period, so if anybody cares to submit or fax us
19 their written comments, we need to receive it by the 14th.

20 So I guess at this point we'd like to open up the
21 comment period of this meeting. I guess we'll kind of go
22 along (inaudible). We will address AP members first and then

1 we'll open it up to the public in the back as well.

2 Comments?

3 MR. LELAND: Frank here. A couple of comments.

4 Number one, we received a portion of the quota this past
5 Fall, when we were able to harvest those fish in North
6 Carolina. We have been ruled out of that fishery as I think
7 everyone at this table knows, because of the way the season
8 works and the quota is caught up before those fish become
9 available in our water. To prevent that, number one, I could
10 not support reducing these reserve fishing days, if that's
11 going to cause the quota to be finalized and caught up before
12 those fish arrive in North Carolina.

13 If that happens, then we need to have some type of
14 a reserve portion of that so that it's available, so that
15 when the fish arrive in North Carolina we have an opportunity
16 to catch those fish. Those fish are available to us; they
17 are available to our fishermen; they are in our water. We
18 need to have the opportunity to catch them and to realize
19 part of that harvest. And I think under the national
20 standards that, you know, that's treating all states and
21 individuals equitable, and that's a requirement.

22 So I would support one, leave the recreational --

1 or the reserve fishing days like they are if it's going to
2 impact the quota. Number two, I would like to see some kind
3 of an allocation of fish available so that we have it when
4 the fish show up in North Carolina. Thank you.

5 A PARTICIPANT: Chris, can I ask a matter of
6 procedure? Not to interrupt, but we all went through this
7 and had an opportunity to talk. Do we have to repeat
8 ourselves and you all write it down a second time? Can't we
9 hear from the public and go home? I mean, we went through
10 this this morning. Not only did I have to watch the
11 presentation a second time, I'm hearing the same comments
12 again. Why am I here?

13 MR. ROGERS: I have no problem with that, just
14 opening it up right up to the public. Nelson?

15 MR. BEIDEMAN: The problem is is, this morning we
16 were told not to comment on the quota stuff. The comments
17 were cut short, you know, pending tonight. So there's a lot
18 of comments that I know I didn't make, I know Rich didn't
19 make.

20 A PARTICIPANT: I deferred my comments until
21 tonight, too.

22 MR. MCHALE: All right, well, for those people that

1 had their comments mentioned today and have nothing to add,
2 well, then I ask you to refrain. And for anyone with new,
3 additional comments, you know, please speak up. Rich?

4 MR. RUAIS: I'd apologize to the public that we are
5 taking up some time, but Nelson is exactly right; we deferred
6 comment on -- specifically on the quota issue. And I tried
7 quickly to make a couple of points about the three
8 associations, East Coast Tuna Association, General Category
9 Tuna Association, and the Northshore Community Tuna
10 Association, all supporting a very modest increase in the
11 harpoon category, to bring it back to its historical share.
12 And what we're looking for is some support from some AP
13 members to this effect.

14 And I don't know if you've had a chance -- we've
15 distributed the document to the public. We had it out on the
16 table for two days; I don't know if there's any more copies
17 of it left. We passed it around to all the advisory panel
18 members.

19 Basically the harpoon category, during the early
20 days, was a little bit more than 10 percent of the general
21 category. And then in 1997, the general category's base
22 quota got increased by about 100 tons. The harpoon category

1 did not follow suit. The actual quotas that were provided to
2 the general category from 1997 to 2000 were over 700 metric
3 tons three out of the four years. And what we're asking,
4 given that this year -- we're not asking this quota to come
5 out of anybody else's hide.

6 You'll notice that there's about 44 tons in the
7 reserve. The total U.S. quota is 1,805, about 400 and some
8 odd tons -- 415 tons higher than our standard quota is. And
9 part of the reason, I think everyone knows, why the harpoon
10 category was left out of this rise in some of the hand gear
11 quotas, was controversy over the plain issue. And that issue
12 appears to be resolved, although I say that in quotes right
13 now, it appears to be resolved. And there is support, very
14 strong support throughout the giant fisheries, the giant
15 commercial fisheries, to bring the harpoon category back to
16 its former level.

17 There is benefit to the general category statistics
18 in that a higher harpoon category quota will take some of the
19 quality effort in the general category away from the general
20 category into the harpoon category, making a longer general
21 category season, providing more opportunities for general
22 category fishermen as well. So I'm just hoping that there

1 will be some other advisory panel members that will support
2 that, and I won't take up any more time. Thank you.

3 MR. McHALE: Thank you, Rich. Rom?

4 MR. WHITAKER: Yes, Rom Whitaker from Hatteras. I
5 fully support what Wayne said, and I won't go into detail
6 rocking that boat again, but I'm speaking now on the angler
7 category. Back in North -- well, North Carolina right now is
8 subject to lose our angling category, or the way the
9 program's set up right now, we're subject to lose our angling
10 category just through political action.

11 The tuna -- in 1997, we had several meetings with
12 Congressmen and with NMFS, and we were finally able to
13 secure, I think it was 50 metric tons in the angling category
14 for our fishery down in Hatteras. This was -- took a lot of
15 hard work. And at that point, the season started January
16 1st. I think the northern group was -- they were very --
17 they were worried about the same thing I'm worried about,
18 that the fish were going to be caught in Hatteras before they
19 had a chance to catch them.

20 Now the season starts in -- June 1st. The Southern
21 angling category, which is not going to affect us this year -
22 - it probably won't affect us next year, but it may the year

1 or two after that, and especially if the tuna start coming
2 back. But the way it's set up now, the total angling
3 category could be caught before it ever gets to us.

4 So what I would like to see, North Carolina or
5 somewhere South of the line, or even you could do it by
6 seasonal period, is to be sure that we have 50 metric ton
7 allowance. And this is in the large school and the small,
8 medium category. Most of the fish we catch are 65 to 73
9 inches, so it would certainly have much less of an impact on
10 the number of fish, because most of the fish we catch are
11 large.

12 But this is very important to us. We worked very
13 hard to get it to start with, and I hate to see it taken away
14 from us right now. Thank you.

15 MR. MCHALE: Thank you, Rom. Pat?

16 MS. PERCY: Pat Percy. I'm from Maine; we're
17 announcing states.

18 It would be very remiss of me if I didn't support
19 fully this, what Rich has proposed. He's done a great and
20 valiant effort bringing this to our attention. I think that
21 it's -- the time is right to do this, and I think it's also
22 the right thing to do for the impacted families of the

1 fisherman, at least in my region. Thank you.

2 MR. McHALE: Thank you, Pat. Glen? Gail?

3 MS. JOHNSON: Just to reiterate on, just on general
4 principles and also because I used to go harpooning also, I
5 fully support the harpoon categories taking from the reserve
6 and working on getting this thing rectified in the plan, too.

7 MR. McHALE: Thank you, Gail. Nelson?

8 MR. BEIDEMAN: Yeah, this isn't a real big thing,
9 but I do think it's logical and it's somewhat important to
10 certain categories. On the discard savings, when, you know,
11 fishermen work and reduce their discards, I believe the half
12 saving reward, that there should be consideration to those
13 fishermen that rolled up their sleeves and earned that
14 reward. And I think that it would be an appropriate incentive
15 for a category, any category, to indeed work towards further
16 discard reduction.

17 I think all categories should have their carryover
18 for at least a year, as we discussed this morning, and that
19 we should examine if over restriction is preventing the
20 category from having a reasonable opportunity to land inside
21 that quota, right with what the law says.

22 I think we need to be the most cautious with the

1 small fish categories that prevent excessive effort on any
2 one juvenile year class. We supported North Carolina having
3 consideration in 1999, and we support Rom's proposal now.
4 There's quota available. He's put a very reasonable proposal
5 forward that would certainly help North Carolina in the
6 interim time.

7 If the pelagic long line's catch criteria is
8 reasonably adjusted, that may also help the Carolinas be able
9 to land some of the larger fish, giants in the commercial
10 category.

11 The harpoon category certainly deserves to be
12 reinstated to its 1992 levels. We support that, providing it
13 does come from the reserve. And eventually we would hope
14 that all the categories would be reinstated to their 1992
15 levels. Thank you.

16 MR. McHALE: Thank you, Nelson. Do you have any
17 other AP -- Bob?

18 MR. PRIDE: Yes, sir, thank you. Bob Pride. I'm
19 going to make comments tonight for what I like to call the
20 recreational ad hoc tuna committee. For five years now,
21 we've -- a group of recreational fishing community leaders
22 have met to discuss the bluefin tuna angling season, from

1 Virginia North, to make sure that we come to some agreement,
2 come to NMFS with a well thought out plan to help with making
3 sure the fishermen up and down the coast have an opportunity
4 to catch these fish.

5 A comment was made this morning about who was at
6 this meeting. And I'm probably going to leave people out,
7 but: Mark Sampson, who's at the table here; a charter
8 captain from Maryland was there; John Byrd, who I believe is
9 the current president of Maryland Saltwater Sport Fishing
10 Association, or past president; John Kegler from the New
11 Jersey Thousand Fathom Club, and also representing JCAA, I
12 believe; Jim Donafrio from the Recreational Fishing Alliance;
13 myself, representing Virginia Beach Anglers Club and also the
14 Coastal Conservation Association of Virginia. We had Pat
15 Augustine from the New York Salt Water Sport Fishing
16 Association, or whatever the exact name of that organization
17 is.

18 And there were several other people. I don't
19 remember all the names. I do have a list at home; I didn't
20 bring it with me. I'll be happy to furnish that list to the
21 Service if they think it would be of any value.

22 What we did is, we talked about primarily the

1 fishing season, but we also have other recommendations. I'm
2 going to breeze through this pretty quickly. If anyone has
3 any questions when I'm finished or wants more detail, I would
4 refer you to the handout document that's on the table, or I'd
5 be happy to take the questions tonight if need be.

6 First recommendation, we would recommend that the
7 United States take an official position at ICCAT to increase
8 the Atlantic Bluefin Tuna quota in the Western Atlantic, so
9 the U.S. attains a 200 metric ton increase in its allocation.
10 That will help us with a lot of issues we hear about here at
11 the table, about disenfranchised fishermen in the commercial
12 and the recreational sectors, and we believe that that --

13 (End side A, tape 8.)

14 MR. PRIDE: -- that accrued to the commercial
15 sector would certainly be of value in rewarding us for the
16 conservation that we put into this fishery over the last 10
17 years, and I say we meaning the U.S. recreational and
18 commercial fishermen.

19 We also recommend as a second recommendation that
20 NMFS recommend -- formalize its commitment to a 75 percent,
21 25 percent split of the Northern albacore or true albacore
22 fish quotas that are assigned by ICCAT; that reflects the

1 historical participation as we understand it, and we would
2 like to see that formalized.

3 Third recommendation, we would recommend that the
4 United States take an official position at ICCAT regarding
5 restoration of the 15 percent share of small school fish to
6 recreational anglers enjoyed before implementation of the
7 present 8 percent rule. As we understand how that happened,
8 it was rather unilaterally and arbitrarily done by the
9 delegation in one year, perhaps even one person in the
10 delegation, and we'd like to revisit that.

11 We recommend that NMFS not convert Atlantic bluefin
12 tuna or other angling category quota underage to another
13 category that allows the fish to be sold. Last year this was
14 done with 60 metric tons of angling category tuna. We would
15 like to see this fish added to the next year's angling
16 category quota, which is what's being done now.

17 And we did not discuss what would happen in the
18 event that we got through our four year window. I'm sure
19 that there would be some divisive opinions on that, and I'm
20 not going to venture on it tonight.

21 Recreational seasons, we currently have a Southern
22 and Northern zone with a dividing line approximately at Cape

1 May, New Jersey. There's a proposed rule that should go into
2 effect shortly that would move that dividing line to Ocean
3 City, New Jersey, which is a more logical dividing line,
4 based on how the fishery's actually prosecuted by
5 recreational fishermen in that general area. That would
6 change the percentages slightly for North and South, but for
7 the purposes of this discussion, that's not really important.

8 What we wanted to try to do in our setting of the
9 season was, accomplish two objectives: we wanted to make
10 sure that National Marine Fisheries Service became aware that
11 charter and party boat operators needed to publish a schedule
12 for the fishing season so that they could sell bookings at
13 the early -- the winter and spring shows that they attend.
14 For example, there are January sport fishing shows up and
15 down the coast, and without knowledge of the fishing season,
16 no one can take a firm booking. And it's very awkward to run
17 a business when you don't know when you can open.

18 So we would ask that NMFS publish clear dates,
19 annually, as early as possible; hopefully, you know, by the
20 first of the year. Obviously that can't happen in 2001, so
21 we have different recommendations for this year.

22 The other objective we were trying to accomplish

1 was to leave the season open during this period, if we
2 possibly can, and to accomplish that, what we propose it that
3 once the small school fish quota is caught or almost caught,
4 and NMFS determines that the fishery needs to be closed in a
5 particular zone, that at that point fishing for Atlantic
6 bluefin tuna in that zone ceases; the catch and release
7 fishery that has traditionally gone on to catch 147 inch or
8 bigger fish would no longer be prosecuted, and the savings in
9 small fish discards, the larger fish, etc., should make a
10 considerable conservation benefit and allow this fishery to
11 stay a little open -- open a little longer for the small
12 school.

13 Obviously we're not fishery scientists, so we may
14 not have our numbers right and our dates right, but we think
15 we gave this a pretty good shot, based on a 100 metric ton
16 allocation of small school fish.

17 As we saw tonight, that allocation has changed
18 dramatically. We actually have 250 metric tons of small
19 school fish in the 2001 quota, so we may have to revisit this
20 somewhat after the numbers are clearer, but at this point
21 here's what we've recommended.

22 We want to allow the Southern zone, that's the

1 Ocean City, New Jersey, South and basically the fish are
2 really caught -- we're talking about the small school fish,
3 here. They're really not caught in North Carolina; they
4 really show up in Virginia basically first, and move
5 Northward to there. They typically show up in June, around
6 the first part of June in Virginia, and pretty rapidly move
7 on up the coast, about two weeks to four weeks in a given
8 area, a given fishing zone. And when I say zone in this
9 case, I mean out of a particular port. You're going to have
10 them available two to four weeks.

11 We suggest that we allow retention of the three
12 fish, which has been the recent rule, but that we allow three
13 fish, the first three fish caught, regardless of size. In
14 other words, not -- allow three school fish instead of having
15 to have one larger fish, to again eliminate that catch and
16 release trying to get that one large fish, if you just happen
17 to be in smaller fish.

18 But also say that perhaps only one of those fish
19 could be over 47 inches. So in case the large fish did come
20 through, we wouldn't decimate the entire quota in our area.

21 That kind of goes to the point that was made by Rom
22 from Hatteras that maybe those medium and large school fish

1 would be available for the Hatteras fishery later in the
2 year.

3 The second thing we wanted to do was have the
4 season published from June 17th to August 12th. That's a
5 Sunday, midnight Saturday night, to a midnight Sunday night,
6 basically. That's a little longer season, but we think
7 there's conservation in the proposal that should accommodate
8 that, even without considering the additional tonnage that's
9 in the actual quota that was published after this letter was
10 written.

11 In the Northern zone -- and remember the provision,
12 here: once the small school fish are caught, the fishery
13 stops. The only catch would be an incidental catch, where
14 you might be trolling or doing something else and a yellowfin
15 and a bluefin shows up. It would not be a directed chunking
16 fish or anything like that going on in the closed area.

17 Northern zone -- one of the issues in the Northern
18 zone is, well, gee, if the fish are all caught in New Jersey
19 before they get to Montauk Point, none of the people North of
20 that area would have it. So we -- have fish.

21 We recommend that the Northern zone be subdivided
22 into two zones, to reflect that availability of fish and to

1 ensure the fleet in the North end of the zone has a chance at
2 the fish. Our recommendation that the zone be split into two
3 sub zones: the Northeast and the Southwest, and the dividing
4 line be Shinicock Inlet, because that's primarily -- that's a
5 previously published dividing line that the Service is aware
6 of and has used in other considerations.

7 And what we would suggest, that one third of the
8 fish go to the Northeast, in other words out towards Montauk
9 and up to Massachusetts, New England, and that two thirds
10 remain in that Southwestern sub zone.

11 The season recommended for this area is July 14th
12 in the Southwest sub-zone through August 26th. The Northeast
13 sub zone, September 7th through October 14th. Bag limits
14 would remain the same as they had in the past: two fish
15 under 47 and two over 47. And the same closure rule would
16 apply.

17 I think I've explained the rationale pretty well,
18 but if anyone wants further questions, we'd certainly
19 entertain them.

20 We also recommend that the Service act quickly to
21 implement the catch monitoring through tagging programs like
22 those in Maryland and North Carolina. As we understand it,

1 the main objection of the states is cost, and we are willing
2 to champion the cause in our respective jurisdictions that
3 National Marine Fisheries can help with funding. One
4 suggestion we have is that we set aside a small portion of
5 (inaudible) funds for this purpose.

6 Finally, we recommend that NMFS publish the ABT and
7 other species season rules as early as they can each year,
8 hopefully in December of the prior year, if possible, for the
9 following year. This will enable tackle shops to stock
10 appropriately, charter operators to set bookings for the
11 season and enable other businesses depending on recreational
12 fisheries to plan appropriately. This advance information is
13 no less important in recreational fishery businesses than it
14 is in commercial fisheries.

15 We appreciate NMFS listening to these comments and
16 working with us as they have in prior years, to try to
17 implement these suggestions as closely as possible while
18 still meeting the conservation objective of the plan. Thank
19 you.

20 MR. McHALE: Thank you, Bob. And does any other AP
21 member have anything to say? Jack?

22 MR. DEVNEU: Jack Devneu. I'll make it brief. I

1 think the members of the public want to speak.

2 In general, I support the concept of overages and
3 underages carrying forward for the next year. I haven't
4 heard any input from the harpoon category on the suggestion
5 of adding 20 metric tons to their allocations, but assuming
6 that they would support that, I would certainly support it.
7 I can't imagine why they wouldn't. And there's still a
8 reserve left so it sounds -- more than 50 percent of the
9 reserve left. It sounds like a sound proposal and if that's
10 the will of the industry, I would certainly support it.

11 Also, regarding the RFDs, I think that if a
12 category has a good reason to have a different or no RFD,
13 they should be able to exercise that option with the fishery
14 service. You're still dealing with an allocation within a
15 category, and I would think that the will of that category
16 should be able to be paramount interest.

17 Also, I'd like to support Nelson's comments
18 regarding North Carolina.

19 MR. MCHALE: Thank you, Jack. Rom?

20 MR. WHITAKER: Just to respond real quick to what
21 Bob said about his recommendation, which I work on advisory
22 panels in North Carolina, and sometimes if the fishermen can

1 work allocations out between -- amongst themselves, it works
2 much better. But I take exception to his (inaudible)
3 Atlantic bluefin tuna catch and release will be specifically
4 prohibited after the season closes. That would put us
5 completely out of business. So I feel like we're on the same
6 page; we just need to get together on it.

7 MR. PRIDE: It wasn't our intention to shut down
8 the Hatteras fishery, so that's just -- that's an oversight
9 in the discussion. I apologize for that.

10 MR. McHALE: Thank you. Mark?

11 MR. SAMPSON: Yeah, Mark Sampson, Ocean City
12 Charter Captains Association. I would like to just
13 (inaudible) say, as a member of the group that met there in
14 Wachapreague, I do support everything that Bob has just said.

15 And I would also like to point out that now that we
16 have learned that this -- or the proposed quota that we might
17 be receiving for that period is -- looks like it might be
18 happily -- you know, a good bit larger than we had
19 anticipated when we had that meeting. We all might be
20 getting our heads together again and have further discussions
21 and revise our proposals. And certainly what we would like
22 to do, I'm sure, would be to come to you again with a

1 consensus from all the members involved.

2 And we hope that if we do revise it, that you'll
3 again take that to heart and take it for what it is:
4 consensus of as many of the fishers involved in that -- or
5 this fishery as possible. Thank you.

6 A PARTICIPANT: I would like to add to that that
7 perhaps we need to include Rom or someone else from the
8 Southern end of the Southern range in this discussion this
9 time, and not leave them out. It wasn't deliberate; it was
10 just stupidity. I apologize again.

11 MR. MCHALE: All righty. I guess at this point
12 we'll open up the discussion for any members of the public
13 audience that care to comment.

14 MR. MAHEW: (Inaudible.)

15 MR. MCHALE: Yeah, John, do you mind stepping up to
16 a microphone?

17 MR. MAHEW: (Inaudible) eight votes taken
18 (inaudible).

19 MR. MCHALE: A vote as --

20 MR. MAHEW: As to say the allocation, I mean
21 (inaudible) discussing. North Carolina, obviously
22 (inaudible) fishery. And I'm just curious how (inaudible)

1 motion or (inaudible). I see a lot of (inaudible) I just
2 don't see any resolutions (inaudible).

3 MR. McHALE: We --

4 MR. ROGERS: We can -- I said -- sorry, we can get
5 you a copy of the statement of operating procedure. I
6 thought I discussed that a bit with you this morning,
7 Jonathan, relative to that meeting in Rhode Island. The AP
8 operates basically by consensus, is that we try to get the
9 sense of the panel and take it under advisement. It is
10 advisory in nature.

11 It's not truly like a fishery management council
12 where a vote is taken and a particular course of action is
13 adopted and recommended to the agency. So we don't formally
14 take votes on these matters; we're just listening to the
15 views. To the extent a consensus forms, you know, we take
16 that under advisement, as well as differences in opinion.
17 And this is --

18 MR. MAHEW: I find it interesting that (inaudible)
19 March meeting in 1998, I was told that there was a unanimous
20 (inaudible) abstention (inaudible) as to revisions starting
21 (inaudible). And so I assumed (inaudible) vote (inaudible)
22 am I misinformed on that? (Inaudible.)

1 MR. ROGERS: I was not at that meeting in Rhode
2 Island. I don't know, somebody correct me if I'm wrong. I
3 didn't know that a vote was taken, per se. I think it was
4 just basically, you know, going around and having an open
5 discussion, and seeing what consensus was formed, if any.

6 MR. MAHEW: But clearly the impression by many,
7 including myself, raises an issue with me -- but by many was
8 that there was a vote taken. I wasn't at the meeting, and
9 that's part of the issue I have, but someone who was, could
10 you inform me, was there a vote taken or was it a consensus?

11 MR. ROGERS: Rich?

12 MR. RUAIS: I think it certainly has been
13 characterized as a vote, and there was individual polling.
14 We walked around the room and people indicated their
15 preference of yes -- yea or neah and abstain. A few of us
16 abstained and there was a vote that could have been tallied
17 by various people. I don't know if the agency ever tallied
18 that vote up and put it out in the record of the meeting, but
19 there was a polling.

20 Polling is what is done more than -- I don't think
21 we consider it voting if there is a distinction between the
22 two, but we walked around the table, as we've done on

1 numerous occasions on numerous issues, and everybody
2 expressed their position in favor or not, and in terms of
3 abstentions.

4 I believe -- well, I'll leave it at that.

5 MR. MAHEW: Chris, can I have the floor again then,
6 please, after hearing that? Thank you.

7 Revisiting the meeting of 1998 at work, there was a
8 couple oddities from my perspective, as well as the people I
9 represent. I was led to believe wrongly, and my mistake for
10 believing someone, but I was led to believe -- it was a two
11 day meeting. I was led to believe the second day was going
12 to be a closed meeting that the general public was not going
13 to comment on, and so none of the pilots were at that second
14 day.

15 I had this discussion with Chris when I asked him
16 if tomorrow was going to be a closed meeting, and he said no,
17 we don't have closed meetings. And I said, well, you did in
18 1998, because that's what I was told, and we didn't -- and he
19 said oh, no, it was open the next day. Which -- this panel
20 had a huge effect on my life, and -- in that next day, and
21 there was no one defending our position when you made that
22 decision, or made that polling.

1 I'd like to read some thoughts I have, and I --
2 well, first off, I'd like to thank you all. I'm Jonathan
3 Mahew, as you know. I'd like to thank the panel; you've been
4 very respectful and patient to listen to my points of view,
5 more so than I deserve in a lot of ways. I don't deserve
6 this much time, but at the risk of being repetitious, I'd
7 like to review to this point.

8 Prior to the Warwick meeting in the fall of 1998,
9 this advisory panel supported the use of spotter pilots for
10 giant bluefin tuna. There was a recognition that spotters
11 assisted in size and species selectivity. At the Warwick,
12 Rhode Island meeting, the advisory panel changed its position
13 dramatically. That vote changed my and my colleagues' lives.

14 It has led to the imminent ban on pilots's assistance in
15 catching giant bluefin tuna.

16 The fishermen that used pilots are the high liners,
17 not because of the pilots, but because of the team they
18 created. They have the most knowledge and the best wheelmen
19 and they are the best harpooners, and they also have the best
20 pilots. They don't follow; they get followed.

21 Economics is basically what's created the situation
22 we have. Poor Japanese economy since 1991 has cut the planes

1 by 50 percent.

2 Unfortunately, jealousy is never a pretty picture.

3 When you hear another commercial fisherman saying no planes,
4 ask him, did you ever utilize a plane? Did you ever want to
5 utilize a plane? How many years did you use a plane? Why
6 did your pilot leave, or did you one day have an epiphany and
7 say, this advantage is not fair to the other fishermen, I'll
8 fire part of my team? Please ask these questions; they are
9 relevant.

10 The effect of your vote in 1998, if it is not
11 overturned, and I guess it wasn't a vote, it was a polling --
12 the effect of the polling, if it is not over turned, is to
13 make high line fishermen change their venue. They will still
14 catch fish, although maybe not as many and certainly not by
15 the chosen method.

16 This raises an issue that may have not been
17 discussed in 1998. I have listened to all of you look for
18 ways to limit bycatch and juvenile catch. The commercial
19 fishermen I represent are being punished for catching fish at
20 the proper time, adults, with no bycatch. If these fishermen
21 go chumming, which will happen at least a portion of the
22 time, these good fishermen will catch fish; unfortunately,

1 some will be juveniles and some will be sharks. The sharks,
2 in 150 boat chum fleet, must either look like punk rockers
3 with a hooks or someone has gotten annoyed with dealing with
4 them. And you don't need me to guess their status.

5 For the record, my boat caught zero juveniles in
6 the year 2000 and zero sharks.

7 A few more facts of what this ban will produce: no
8 aerial surveys; no sight per unit effort to augment catch per
9 unit effort; no aerial spotting of entangled whales and other
10 mammals. Atlantic fish spotters has worked with lead
11 disentanglement teams -- the lead disentanglement team, the
12 Center for Coastal Studies out of Provincetown. The first
13 entangled white whale successfully rescued was spotted and
14 reported by an Atlantic fish spotter pilot. Numerous hump
15 back and fin backs have been rescued, due to our efforts;
16 also, numerous leatherback turtles have been rescued.

17 I also know of seven fishermen and one pilot whose
18 families are happy the planes weren't banned when we found
19 them.

20 (Inaudible) the impact, if you change your position
21 as to what occurred on the Hill this past year. I know first
22 hand that the Hill looks to you for leadership on this issue.

1 You around this table know more about this issue than they
2 ever will.

3 I ask you to revisit the issue, and I hope that
4 panel members -- that a panel member makes this motion so you
5 will revisit it and get a more fair polling in the year 2001.
6 Thank you.

7 MR. MCHALE: Thank you, John. Are there any other
8 members of the public that wish to speak? Joey and then
9 Chip?

10 MR. JANSALLETZ: Joe Jansaletz (phonetic),
11 Kensington, New Hampshire, full time commercial fisherman,
12 president of the East Coast Tuna Association.

13 Years ago, when all these quotas started, I believe
14 the harpoon category was set at 150 metric tons. It's been
15 nowhere near there since. The general category has gone up.
16 The angling category has gone up drastically. I think pre-
17 1991, the angling category was set at 126 metric tons, I
18 believe that's correct, and now they're at 566. And the
19 harpoon category is still 55.

20 I think the minimum that you can do for these
21 harpooners is get them to 10 percent of the general category,
22 which would put them up to 66 point seven tons. They deserve

1 it. They're good fishermen. They work hard.

2 And days off? I don't believe in days off. I'm a
3 lobster fisherman, but I've been bluefin fishing for 34
4 years; it wasn't less than one of the guys that spoke last
5 night. If we catch the quota real fast, fine, I'll go set my
6 lobster gear and I'll do something else. I don't like days
7 off. I -- to put it in plain English, I think they stink.
8 It's not good for anybody.

9 And I guess that's pretty much all that we can
10 discuss today. By the way, the best harpooners, they don't
11 need airplanes.

12 MR. McHALE: Thank you, Joey. Chip?

13 MR. BORGAY: Good evening. My name is Chip Borgay
14 and I'm a director of the -- co-director of the Traditional
15 Harpooners Association.

16 I've always been interested, and the people that I
17 deal with have always been interested, in dead discards. I
18 think Nelson remembers a meeting down at the aquarium with
19 Gary Matlock, and we opened up a can of worms. And I think
20 Nelson and the fellows that fish there have more than
21 vindicated themselves.

22 But I want to emphasize my concern about dead

1 discards, and I think anybody that knows me knows that I'm
2 not a liar. I recall a day when the fellow that -- on the
3 other side of the table that just spoke, advocating these
4 airplanes, called me on the CB at the BE Buoy (phonetic) in
5 Massachusetts Bay, on my boat, on my channel that he was
6 monitoring that I wasn't aware of, to go look at fish and
7 tell him if I thought they were legal.

8 I also know that the seiners have over time had
9 problems determining the size of fish. I mean, that's --
10 it's understandable. A fellow going around in circles at 100
11 miles an hour, looking out the side of an airplane into the
12 sun's glare at 1,000 feet can't be expected to determine the
13 size of fish within a few inches.

14 As a result, over time, they've put a green marker
15 on the side of the purse seine net so they can accurately
16 determine what kind of sized fish they have in the net.

17 Chris Rogers told me of study a few years ago where
18 you had a plane up there, Chris, and with all the
19 sophisticated and electronic equipment that you could muster,
20 it was very difficult to determine the size, through
21 photographs or with any other sensory means, accurately
22 determine the size of those six foot drawing that was being

1 towed behind a vessel at four knots. Is that correct?

2 Right.

3 And it defies common sense for anybody to say that
4 we're going to reduce discards with the use of an airplane.
5 Dead discards were never an issue in the harpoon fishery for
6 60 years, until the use of airplanes became a factor. At
7 that point in time, fishermen in the industry started to
8 write to NMFS, on the public record, and complained about,
9 among other things, what they were observing, first hand
10 knowledge, and I assure you the public record substantiates
11 this.

12 On the discard issue, there were new entrants, one
13 factor; the other factor is that the planes -- and I know
14 from experience; I had to use a plane at first. I thought I
15 needed to be competitive, and really, yeah, my income is a
16 third of what it used to be. The planes, in a lot of cases -
17 - and I used a plane for three years, and I really got sick
18 of being ruled by -- there's a lot of other people that have
19 -- most everybody that's a good harpooner, at one time or
20 another, did use an airplane. And most of the good
21 harpooners have given it up.

22 And it's mis-stating the reality of the fishery to

1 say that only the good harpooners use airplanes. That's
2 convoluted. And I think that is common sense; I don't think
3 I have to say much more about that.

4 We've been dealing with misrepresentations and lies
5 for eight or nine years. I don't want to see -- I've seen
6 27, 28 years of tuna fishing. I've fished out of New
7 Hampshire, my friend on the other side of the table's home
8 town, in 1967 before they were running airplanes in the
9 swordfishery.

10 And also, I saw the swordfishery go down the tubes.

11 And I know that these fellows in the airplanes had 100 fish
12 days out there, where the sight fishery in the same boat
13 would have only produced six, eight, 10 fish. And every
14 swordfish you get with a plane, or you see with a plane, you
15 get. Something to worry about in the future, because you
16 will never restructure the swordfishery if you allow planes
17 to exist in the future. As soon as those big spotters start
18 to show, off Park Island and work up, the planes will be on
19 them and they'll get every single one of them, guarantee it.

20 I don't want to take too much time here, but I want
21 to make sure I cover my bases. Mr. Weiss is unfortunately
22 not here, and I guess I'll just finish up real quick here and

1 this will -- if I can just read this letter that credible
2 organization in the fishery, no johnny come latelys, no ham
3 and eggars, have signed. And I think everybody has a copy,
4 but if you don't mind, it'll just take me a minute, because
5 it reiterates a lot of the stuff that initially, in 1998,
6 this panel made its decisions on.

7 On behalf of the giant ABT industry, we offer a
8 sincere thank you to the HMS AP for the support in
9 recommending that the loophole that allowed the continued use
10 of aircrafters and gear type be closed. It has always been
11 in violation of the rules for one craft to assist another,
12 but your support was needed to drive the point home. Your
13 support was also invaluable in restoring a level playing
14 field to the ABT fishery.

15 The industry and interested groups and individuals
16 also supported the ban on the aircraft. The ban passed
17 unanimously in both houses of Congress. I was there the
18 night, obviously, that you -- that this panel -- everybody
19 was represented, but in any case, it's the General Category
20 Tuna Association; the North Shore Tuna Association; the Gulf
21 of Maine Commercial Fisheries Association; the Maine
22 Lobsterman's Association; the traditional (inaudible)

1 Harpooners Association; the United (inaudible) of New Jersey;
2 the National Audoban Society; the Green Peace and the
3 President and members as individuals and not as not as a unit
4 -- the East coast has remained neutral on this.

5 The industry also enjoyed the direct bipartisan
6 support of Senators Strom, Carey, Collins, Jeffords, Kennedy,
7 Greg Smith and represent -- these are direct people that
8 helped us; Sununu (inaudible); and as the public record
9 states at NMFS, in Rebecca Lent's own words, thousands of ABT
10 fishermen.

11 The United States Wildlife Service recognized in
12 1954 that wildlife cannot be managed with aircraft assisting
13 hunters. NMFS now has the opportunity to monitor the ABT
14 factor -- or the ABT without the factor of aerial pursuits,
15 destructing the migratory patterns. It is well recognized
16 that aerial surveys must be industry independent and
17 conducted in a methodical and time tested manner.

18 The constant pressure put upon the ABT from sunrise
19 to sunset by aircraft as they swim below the surface of the
20 ocean kept the ABT in constant flight, in a state of panic
21 and confusion. This significantly impacts on the migratory
22 patterns of the ABT, and I will -- let me just say this: my

1 friend on the other side of the table alluded to it yesterday
2 when he said, where did the fish go, you know, I don't
3 understand it, there has to be a reason. Well, I submit 15
4 airplanes and 30 30-knot boats has a hell of a social impact
5 on a bio-mass of bluefin tuna for 16 hours a day.

6 This mandate and the intent of the ban has other
7 positive effects within the industry as well. The ban re-
8 establishes the weather dependency intent of the multiple
9 catch provision in the harpoon category; eliminates the
10 practice of harassment, as is documented in numerous purse
11 seine complaints in personal -- in writing to both the FAA
12 and NMFS, by dive bombing, stealing of others' opportunities
13 and other airborne tactics.

14 The ban distributes the available quota in a fair
15 and traditional manner, as mandated in Magnuson, and reduce
16 the incident of dead discards, which I just described to you.

17 The regulations allow for any person to buy a boat and go
18 fishing, which -- to go fishing.

19 Oh, I'm going to wrap this up. Aircraft as a means
20 of harvesting ABT has been shown to be an unacceptable method
21 of harvest in the ABT hand gear fisheries.

22 And I'd just like to add, harpooners are -- we can

1 use nothing mechanical. We're not allowed to assist another
2 boat on the water.

3 This was simply a loophole that needed to be
4 closed, and for political reasons it took a long time to do
5 it. And the politicians closed it and I thank them and I
6 thank you for your wise fishery decision. And this is signed
7 by Brian Brick (phonetic), God bless him, he's on his
8 deathbed right now; myself; Steve Leener (phonetic); Joey
9 Jackowitz (phonetic); Peter Weiss; and Richard Burdess
10 (phonetic).

11 And in closing, I support and I always have, when
12 the (inaudible) that we take care of the traditional harpoon
13 category and appropriately designate some tonnage to them so
14 they can -- we can get back to fishing again.

15 Thanks for you time, and I hope you make the right
16 decision.

17 MR. MCHALE: Thank you, Chip.

18 A PARTICIPANT: I guess (inaudible) Jonathan.

19 MR. MAHEW: Jonathan Mahew again. This is an
20 interesting letter, I have to admit. It says a lot.

21 First off, regarding harpoon and swordfish, I'm a
22 third generation harpooner, dating back to the turn of the

1 century. No boat has ever harpooned 100 fish, to my
2 knowledge, ever, in one day; physically impossible, time
3 frame just is absolutely to harpoon the swordfish and get 100
4 in one day, no matter what method. We don't lie, but --

5 This loophole on behalf of the giant Atlantic
6 bluefin tuna industry, we offer a sincere thank you to the
7 HMS AP for the support and recommending that the loophole
8 that allows the continued use of aircraft for the gear type
9 be closed; it's always been in violation of the rules for one
10 craft to assist another in the ABT fisheries, but your
11 support was needed to drive the point home.

12 Does that mean that a seiner can't use a seine
13 skip? Does that mean a seiner can't use a pilot? Does that
14 mean that a guy next to you can't say hey, there's a bunch of
15 fish on the other side of you? I mean, there's no such
16 violation that was occurring.

17 I was part of a team. I've been a part of a team.
18 The fact that I wasn't licensed by someone when licensing
19 started doesn't mean that I was in violation. I don't really
20 quite get the picture that I was in violation doing something
21 illegal; in fact, to be honest with you, what annoys me more
22 than anything else about the process is that something I've

1 done for 28 years -- and I am one of the best pilots and I
2 don't think Chip will disagree with me; I flew for Chip for
3 three years, and Chip didn't fire me.

4 But -- and I'm sure when Chip says, I called him up
5 and said, Chip, come look at the school, give me your advice,
6 I bet I did that. I don't remember or recall, but I bet I
7 did it because I'll use every method to make sure that I
8 don't catch juveniles. And I'll take in -- if you have the
9 ability to get some input from someone that you respect in
10 their ability to judge fish --

11 When you do harpoon fish, the bottom line is not
12 the pilot; the bottom line is the harpooner, and that's
13 normally the captain. If there's a juvenile that's caught,
14 it's not the pilot's fault, it's the captain's fault.

15 You're all out there trying to make money. You
16 know, it's an expensive operation to run an airplane, own an
17 airplane. It's like owning a boat. And I own a boat and an
18 airplane. It's \$60 at least in expenses. I am trying to
19 make money. I'm trying to feed my family. I don't want to
20 waste time catching juveniles. And to be -- to say that I
21 created catching more juveniles is -- it goes totally
22 contrary to my whole upbringing. I was told to catch the

1 right fish, and that's the way I grew up.

2 And I'm sorry that there aren't enough of me; as
3 Joey said, if there's 150 Jonathan Mahew then let the planes
4 come on. And you were quoted, Joey, on that by --

5

6 MR. JANSALLETZ: (Inaudible) 100 percent. If
7 there's 150 of you, bring them on.

8 MR. MAHEW: Well, why do I get kicked out of the
9 industry?

10 MR. JANSALLETZ: Why do you (inaudible) --

11 MR. McHALE: All right, let's, let's -- I'm sorry,
12 let's cut the debate.

13 MR. JANSALLETZ: (Inaudible.)

14 MR. McHALE: Joey, Joey --

15 MR. JANSALLETZ: -- (inaudible) anymore. Because
16 the (Inaudible).

17 MR. MAHEW: Well, okay, I mean, there is a reason -

18 -

19 MR. JANSALLETZ: (Inaudible.)

20 MR. ROGERS: All right, let's --

21 MR. MAHEW: I agree, I apologize to Joey.

22 MR. ROGERS: You know, we were --

1 MR. MAHEW: I did provoke him. I -- it's

2 MR. ROGERS: We were not specifically addressing
3 the use of spotter planes, as I said yesterday.

4 MR. MAHEW: Right.

5 MR. ROGERS: Congress has given us direction --

6 MR. MAHEW: I (inaudible) I think that for the over
7 all good of the industry, which I had done a lot of work on,
8 I believe, and my organization has, and the over all good of
9 science, the over all good of marine mammals, I think that
10 this board made a drastic wrong direction, and I would like
11 to see that rectified. And obviously it's a contentious
12 issue. Throwing the messenger out with the bath water I
13 don't think is going to be in the right direction. Thank
14 you.

15 MR. BORGAY: Point of fact, please, just to explain
16 to the panel, because --

17 MR. ROGERS: Let's, let's cut the --

18 MR. BORGAY: The question was raised.

19 MR. ROGERS: -- cut the debate on the airplane.
20 We've been through that before.

21 MR. BORGAY: Right, this is about the seiners. The
22 seiners have always been excluded to the panel, from -- they

1 have the skip, they have the plane, they have their own
2 allotment, their own quota for each boat. It's a different -
3 - it's a whole different scenario. Thank you.

4 MR. ROGERS: Okay. Any other members of the public
5 want to speak to the bluefin tuna quotas and effort control
6 schedule, as proposed for 2001? Willy?

7 WILLY: (Inaudible.)

8 MR. ROGERS: Can you come up to the mike, please?

9 WILLY: I was under the understanding when I came
10 here that this was going to be a public comments session, and
11 I see on your list here that you have other issues and stuff.
12 But I mean, it's real hard to sit here and not try to get
13 involved in each one, because I know that people want to get
14 out of here. So I want to make my comments right now. And I
15 was going to wait until you go through.

16 MR. ROGERS: What particular comment?

17 WILLY: Well, I wanted to comment on the chart --

18 MR. ROGERS: I think --

19 WILLY: I wanted to comment on the Charleston Bump.
20 I wanted to comment on the bluefin tuna issue, and I wanted
21 to comment on Mahi, and I wanted to make a fact known to the
22 people here.

1 And I just want to say, as a person who doesn't
2 participate in the bluefin tuna fishery other than having
3 three incidental long line permits, it just troubles the
4 devil out of me, being from the commercial fishing industry,
5 seeing two groups of fishermen fight over an issue in this
6 type of format. Because I know that there's people at this
7 table don't want anybody catching any fish, and there's
8 people at this table that are fighting. You've heard Wayne
9 Lee speak about trying to get Hatteras more fish. And there
10 is people at this table that's getting delight in what just
11 transpired there.

12 I don't think there's anybody here that's a decent
13 human being that would not be sympathetic to the pilots and
14 the way this thing happened. And I don't think that, from
15 what I have observed just being here tonight, that they're
16 trying to point the finger at National Marine Fisheries.
17 They're asking you to try to rectify an injustice that was
18 done to them, and I don't know how else to tell them to go
19 about doing it.

20 But that's what I feel like was coming from the
21 gentleman representing the pilots. And I don't want to get
22 into any arguments or any fights with the people that don't

1 want them to be their pilots.

2 But there is people sitting at this table that want
3 bluefin tuna, and if they're not caught by the harpoon
4 category, the seine people's going to fight for them, the
5 recreational people's going to fight for them, and you need
6 to not be fighting among yourselves over that issue. And I
7 can understand how it's a passion issue and, you know -- I
8 just hate to see it.

9 And as far as the Charleston Bump -- well, first
10 thing I'd like to say is, the first time I ever come to one
11 of these meetings, I came to speak at the public comment
12 session. And I don't think there was quite as many panel
13 members, but when I spoke, I spoke to three people.

14 And it really makes me feel good that you people
15 would sit here and listen through this. And I think it
16 should be a note made to the people that are not here. And I
17 think when the time for reappointment comes up, that should
18 be considered, because there is some people that are not here
19 that I feel like should be here.

20 On the Charleston Bump, you said it was going to
21 affect 20 boats, 22 packing houses, and you left out the
22 thousands or tens of thousands of consumers that would lose

1 out if it's closed during the month of May, because if the
2 boats catch \$25,000 of fish, it's probably somewhere close to
3 10,000 pounds of fish each; and you put that out to the
4 public, 20 boats, you're talking about maybe 100,000 people
5 that are affected by it.

6 And when I sat down at my desk and picked up my
7 faxes from the night and I saw the thing coming from National
8 Marine Fisheries, I only read the first paragraph and I got
9 so mad I just got up and left. And I did take the time to
10 come back and read it and I thought it was nice that you did
11 put the economical part of it on the bottom of the letter,
12 and I commend you for doing that.

13 It just puzzles me that here with all these people
14 around this table, and Dewey making his presentation, and
15 calling National Marine Fisheries and asking them why they
16 would even consider this, they had gotten three letters.
17 They did tell him who the three letters were from. And we've
18 got Mr. Wilmot over here that's in favor of it. You've got
19 three letters and Mr. Wilmot that want you to extend the
20 closure through the month of June, and you're going to affect
21 20 boats, 22 packing houses, 100,000 consumers.

22 And I would just hope that in your judgement, if

1 you're the one that's going to make the call, Chris, I would
2 hope that you would not be affected by the small number of
3 people that are involved in this, and be affected by the
4 large number of people that would be affected by this.

5 And I'm going to skip -- I wanted to get into the
6 mahi-mahi, because I know that the South Atlantic Council has
7 made a recommendation or that something that National Marine
8 Fisheries is going to make a law, but I don't see it on your
9 schedule anywhere. Is that --

10 MR. ROGERS: Well, that's the South Atlantic
11 Council's area of jurisdiction. We don't -- we're the HMS
12 advisory panel, the billfish panel; we do not --

13 WILLY: I understand that, but for it to become a
14 rule, for it to become a regulation, it's got to go through
15 you, it's got --

16 MR. ROGERS: Not through this division; that would
17 be the domestic fisheries division, and they would have a
18 separate round of public hearings on that subject.

19 WILLY: And that would be through who?

20 MR. ROGERS: Domestic fisheries division, within
21 the Office of Sustainable Fisheries. Val Chambers is the
22 division chief there, and her (inaudible) put that rule

1 making out and set up the public hearing.

2 A PARTICIPANT: (Inaudible.)

3 WILLY: Well, anyway, this might not be the time,
4 but that's my main reason for being here, because I'm really
5 upset about what happened from the South Atlantic Council.

6 But I really wanted to start my comments with this
7 statement: last week, last Thursday, I'm sitting in my
8 office. I get a phone call from a friend in Mexico. He says
9 he's going to be there for another week and he wants to know
10 if I can come. He's fishing for sailfish or he's fishing out
11 of Islamaharace (phonetic), the new port near Cancun. And I
12 just tell him, there's no way that I can. He says, Willy,
13 you just cannot believe the fishing down here. And I have it
14 on speaker phone. And he says, one boat caught 120 sailfish
15 in one day.

16 One boat caught 120 sailfish in one day, and Mr.
17 Wilmot's concern about the 12 sailfish that's going to be
18 caught by the long line people -- I mean, I would just hope
19 that he would get his priorities in order and research that
20 and check into a little bit.

21 But sitting in the room with me was one of my
22 captains on one of my boats, Murray Cudwith (phonetic),

1 started long lining in 1977. He's fished the Grand Banks two
2 or three years, he's fished the South Atlantic, he's fished
3 the Pacific, he's fished the Caribbean at least 10 of those
4 years. And he said, Will, I have not caught -- there has not
5 been 120 sailfish on my long lines in all those years that
6 I've fished, and one boat catches 120, releases them.

7 But National Marine Fisheries, the two most
8 important things that you should be considering, and our
9 environmental friends, and I do call them friends because as
10 much as I get mad at them, I'm glad that they're here -- the
11 two most important threats to the highly migratory species,
12 from the United States, is the growth of the recreational
13 fishing industry. The little village that I live in,
14 Wanchese, North Carolina, there's over \$100 million worth of
15 sport fishing boats under contract today. That's just in one
16 little village with less than 1,500 people.

17 And the other thing that I, from the first meeting
18 I ever -- time I ever got involved in this, it keeps being
19 brought up, and there's some people that just -- somehow it
20 gets put in the corner, but release mortality, something's
21 got to be done about that. My friends from the billfish
22 foundation, I mean, they'll secretly or openly admit that

1 there's some kind of mortality from it, but where are the
2 figures at? Where is National Marine Fish -- where is their
3 science, with facts in it, that says what this mortality is?

4 And when you -- there has been probably 100,000
5 sailfish caught in Cancun and Fort Aventuras (phonetic) in
6 the last three months. Now, each one of those fish, for the
7 people to be able to say they caught it, they had to get the
8 thing close enough to the boat to cut the line.

9 Now, if -- I mean, I could promise you that there's
10 been more mortality in sailfish from that fleet of boats
11 fishing near Cancun, Mexico this year than there's been from
12 the entire long line industry, U.S. long line industry, since
13 its existence. So we're talking -- we're in a deal about the
14 Charleston Bump area, and the concern is that there will be
15 12 sailfish caught by long liners. And you know, it just
16 irks me.

17 And I don't want to be in your position, Chris; I
18 don't think you want to be there neither. But it's just
19 unbelievable to me that this table can sit around here and
20 you look -- there's not three different groups of people
21 here, there's not a commercial and an environmental and a
22 government, there's four different groups of people here.

1 You've got recreational charter boat people, you've got
2 commercial, long line industry, hook and line industry, you
3 have a sport fishing industry.

4 And the growth of it's just phenomenal. All you
5 got to do, if you think on trying to put a smoke screen up or
6 trying to -- what did you call it, chicken little over here,
7 trying to do something like that, just go look at the number
8 of people that signed up to fish in tournaments, and I
9 guarantee you that it's tripled or quadrupled since 1990.
10 Thank you.

11 MR. ROGERS: Thank you, Willy. Any further
12 comments on this issue of the bluefin tuna season, upcoming
13 season? No?

14 Well, I can finish our presentations real quickly
15 here, with our third action item that's open for public
16 comment. We have published an interim final rule in the
17 Federal Register that would extend certain provisions of the
18 emergency rule that we had filed last October, with respect
19 to mortality -- turtle, sea turtle mortality reduction,
20 specifically the requirement for pelagic long line vessels to
21 carry dip nets and line cutters to help disentangle turtles
22 and release them with a minimum of injury.

1 There were some other regulatory provisions that
2 were added to this interim final rule to clean up some loose
3 ends, so we just wanted to go through that real quickly. I
4 don't imagine it's as contentious as bluefin tuna
5 allocations. We can take a few comments on that, and then,
6 you know, to the extent we have some time available before
7 ten, we can open it up to the public for any other items that
8 you want to get before the advisory panel.

9 Tyson Cod (phonetic) is going to go through a quick
10 presentation on this interim final rule.

11 MR. COD: Like Chris said (inaudible). I'm going
12 to present some of the details from the interim final rule
13 that was published March 30, 2001. I think that was Friday.

14 There are three basic divisions, as you can see in
15 the title: there's reduction of shark drift gillnet observer
16 coverage, which was effective April first; there was a change
17 in the pelagic long line definition, which was effective
18 April first, as well; and there was gear requirements to the
19 pelagic long line fleet, which were effective April tenth.

20 Some of the background for this rule-making was the
21 June 30th biological opinion that most people are probably
22 familiar with it, found there was jeopardy on --

1 (End side B, tape 8.)

2 -- loggerhead and leatherback sea turtles from the pelagic
3 long line fisheries. Also relevant was the August 1, 2000
4 time area rules which has been discussed a little bit
5 already, and the October 13, 2000 emergency rule, which was
6 put in place to reduce turtle bycatch and post-release
7 mortality of sea turtles. That expires April ninth, which
8 sort of spawned this interim final rule to make a couple of
9 those regulations permanent.

10 As I mentioned, the objectives were reducing sea
11 turtle post-release mortality, modify the level of observer
12 coverage and modify the definition of the pelagic long line
13 gear.

14 Now I'll kind of dive into some more of the
15 details. All vessels in the Atlantic HMS, or all vessels
16 with Atlantic HMS permits and pelagic long line gear on board
17 are required to have the dip net and line clipper, as per
18 this regulation. The purpose of the dip net is to improve
19 access to and handling of incidentally captured sea turtles.

20 Specifications for this piece of equipment, which you can
21 see in the picture on the left: the handle must be six feet
22 in length or greater; it must support a minimum load of 100

1 pounds; it has to have a minimum of 31 inches inside
2 diameter; the depth of the net must be a minimum of 38
3 inches; and the net can be no more than two by three inches.

4 There are also some handling provisions, which I
5 won't get into; they can be pretty specific, but during the
6 environmental assessment -- I have some copies on the table
7 over there. They're also in the regulatory (inaudible).

8 The other piece of equipment is the line clipper.
9 One variety is shown in the picture on the right. The
10 purpose of this is to cut fishing line as close as possible
11 to the hook or entangled sea turtles. The purpose is to
12 improve post-release mortality. Specifications are: the
13 handle being six feet in length, as well; the blade capable
14 of cutting two point one millimeter lines or thinner; and the
15 blade must be curved (inaudible) retained in a holder that is
16 securely fastened to the handle. There are also some
17 handling requirements that are specific to this piece of
18 equipment as well, that I won't get into, to save time.

19 The second portion of this rule was decreasing the
20 shark fish gillnet observer coverage. The previous
21 requirement was for 100 percent of coverage year round. This
22 was to help monitor the interactions of protected species,

1 and also bycatch and bycatch mortality of juvenile sharks and
2 other fin fish.

3 There was a recent scientific study that was
4 conducted that found that 53 percent observer coverage is
5 statistically significant and adequate to provide a
6 reasonable estimate of the number of protected resources
7 taken and the bycatch encountered in this fishery. We're
8 still requiring 100 percent observer coverage is maintained
9 during white whale padding season, which is November 15th
10 through March 31st. Also, the vessels will be selected for
11 observer coverage according to a statistically based sampling
12 plan.

13 This requirement (inaudible) both industry and
14 agency (inaudible), so we feel it's beneficial to both sides.

15 And finally, there was a change in the pelagic long
16 line definition. The new definition is printed there.
17 Basically the only thing that's different is, you remove the
18 term high flyer from that definition. High flyer is what is
19 the piece of equipment circled on the picture there. It's
20 defined as a flag radar reflector or radio beacon
21 transmitter, suitable for attachment to a long line to
22 facilitate its location and retrieval.

1 NMFS has taken this action because it learned that
2 it was possible to remove that piece of equipment and still
3 operate a long line. And essentially by doing that, it would
4 make that gear no longer long line, and enable the vessel to
5 fish in an area of closure, which would undermine the bycatch
6 objective. So this sort of closes the loophole and maintains
7 the conservation (inaudible).

8 If you have any comments, you can either submit
9 them in writing or present them here. There's a phone number
10 at the bottom for -- to call for some of the documents, and
11 also I'll be willing to take any questions.

12 MR. ROGERS: What was the comment period?

13 MR. COD: Oh, it's 30 days. Sorry.

14 MR. ROGERS: 30 days? And the date that it closes?

15 MR. COD: It's April 30th. Two of the regulations
16 here have had a comment period already, so we felt that 30
17 days would be adequate.

18 MR. ROGERS: Moe?

19 MR. COD: Moe?

20 DR. CLAVERIE: Thank you. On the definition of
21 long lining, could you put that back up? Can you go back on
22 easy?

1 MR. COD: Sure.

2 MR. CLAVERIE: Is that the total, whole definition
3 that's going to be appearing now in the regulations or is
4 that a sub part of other -- of another definition? Or --

5 MR. ROGERS: No, it was the definition of pelagic
6 long line gear, which triggered not only the -- DR.

7 CLAVERIE: Okay, that gives me a technical problem. That
8 makes no distinction as to whether it's -- what makes it
9 pelagic. We've got shark long line gear, we've got read fish
10 long line gear. We're going to have maybe dolphin -- you
11 know, mahi-mahi long line gear. We've got -- and we've got
12 the pelagic long line hear. And it's all long line gear.

13 But somehow or another there has to be a
14 distinction of which is which, because if you say, for
15 instance, that you can't long line -- well, take those two
16 areas you have closed in the Gulf. Is it your intent to
17 prevent bottom long lining in those areas, as well as pelagic
18 long lining? Because you don't have the -- that's not your
19 fish; that's the Council's fish, the bottom long lining.

20 Not that we -- I mean, I think we have prohibited
21 in that area, at least during certain times of the year, but
22 during the rest of the year we haven't. And so we've got to

1 have something so that enforcement can clearly distinguish
2 what kind of long lining's going on.

3 MR. ROGERS: That's correct. We have defined it in
4 two ways. One is, the gear in its generality, and one is a
5 definition of when the pelagic long line gear is on board the
6 vessel. It was just two triggering events. One was the
7 requirement for turning on the vessel monitoring system and
8 being in the closed area with fishing gear; that was
9 triggered when the gear is on board the vessel. This was an
10 attempt to describe the conditions upon which the gear itself
11 would be deemed on board the vessel that would trigger these
12 other requirements.

13 There is a separate reference in the regulations
14 that states that the gear is suspended off the bottom,
15 meaning that --

16 DR. CLAVERIE: Well, that don't say so here; that's
17 why I was asking, is this the whole thing?

18 MR. ROGERS: Well, that's -- all right, well, then
19 you're correct in your inquiry that there was a separate part
20 of the regulations that refer to long line gear suspended off
21 the bottom suspended by (inaudible). So we did not intend to
22 affect bottom long line gear in the closed area rule making.

1 DR. CLAVERIE: All right, well, that's -- I'd like
2 to hear what enforcement says about that, because if you say
3 that if a vessel is considered to have pelagic long line gear
4 on board, and if it does have that gear on board, it's got to
5 have something else happening or it can't do something, or
6 whatever it is, how in the world can you tell when it's on
7 the boat, not being used, whether it's bottom long line gear
8 or pelagic long line gear?

9 This covers all of it, because if it was bottom
10 long line gear, the only difference would be that the main
11 line and/or the gangions (phonetic) would be set to go
12 deeper. And so how can you tell that on board a vessel that,
13 you know, isn't deploying the gear? The difference is when
14 it's being deployed, it seems to me, unless you've got some
15 other kind of way to determine the difference. I'd like to
16 hear what it is.

17 A PARTICIPANT: (Inaudible) in terms of closures,
18 pelagic long line (inaudible).

19 DR. CLAVERIE: Not in the Gulf.

20 MR. ROGERS: As I said, there were two situations
21 we were trying to address: one was the deployment of the
22 gear --

1 MR. COD: Yeah.

2 MR. ROGERS: -- which clearly states that the gear
3 is supported off the bottom, not -- and suspended by the
4 floats, not in contact with the bottom, and there is a
5 portion of the definition there; there is also the concern
6 about defining when the gear itself was on board the vessel,
7 thereby triggering the requirement for the vessel to activate
8 its vessel monitoring system.

9 If the vessel is in the closed area with pelagic
10 long line gear on board the vessel then no fishing can occur.

11 The idea is to allow the vessel to transit the closed area
12 only if the gear is on board the vessel, not necessarily
13 being deployed. Any fishing that is occurring by a vessel
14 with the gear on board is prohibited in the closed area.

15 DR. CLAVERIE: Okay, but --

16 MR. ROGERS: So again, we needed a two part
17 definition. One was describing the gear when it's deployed,
18 one was describing the situation when the gear was on board
19 the vessel. And the fact that we have included high flyers
20 in that definition, and the way it was worded, such that if
21 the high flyers were removed, the rest of the gear could be
22 on board the vessel and the definition was constructed in

1 such a way that you could fish with that gear in the closed
2 area.

3 DR. CLAVERIE: You're improving but you're not
4 there yet. Remember, the original definition was mono-
5 filament, so (inaudible) the photographs of multi-filament
6 line that they're using.

7 But what we have now is, Bob Spaeth's boat is out
8 to do some bottom long lining, some fishing in the reef fish
9 fishery, or shark tooth's boat is out doing some shark bottom
10 long lining. From the time they leave the dock -- and let's
11 assume that they are not required to have VMS but these other
12 vessels are, just to show why the example's important.

13 MR. ROGERS: Right.

14 DR. CLAVERIE: From the time they leave the dock
15 until the time that gear is already in the water and now
16 rests on the bottom instead of being suspended from the
17 bottom, it fits this definition. In other words, if an
18 enforcement boat comes along before that line has hit the
19 bottom, while it's still on the vessel, particularly, and
20 it's in this area, even though the boat is going to deploy it
21 as a bottom long line, it falls within the pelagic long line
22 definition that you have up there until it actually hits the

1 bottom.

2 So I don't know. You've got -- you've created a
3 problem because of the different long line fisheries involved
4 in the Gulf; I don't know about elsewhere. We have the same
5 problem from the Gulf end of it, as to if we're going to say
6 you can't bottom long line in this area, how do we define
7 that long line to differentiate it between the pelagic long
8 line.

9 So that -- it's a two-sided story, and this doesn't
10 answer it. I don't know what the answer is, but it's got to
11 be worked on more, to avoid that problem.

12 MR. ROGERS: Well, we have worked extensively with
13 our enforcement agents and got comments from the Coast Guard.
14 I don't know if Paul Raymond wants to make any comment on
15 the enforceability, whether or not there would be a momentary
16 misinterpretation of bottom long line while it's descending,
17 but I think that we have worked it out adequately for
18 enforcement purposes.

19 A PARTICIPANT: How do we solve this?

20 MR. RAYMOND: Yeah, we've gone back and forth with
21 this, about a year, but it's my understanding, the way we
22 interpret the law is, we have to catch somebody deploying and

1 harvesting in the closed area. It's not a transitting law.
2 Vessels are clearly allowed to transit with the gear on board
3 and sword fish in the hull if they're fishing, for example,
4 beyond the outer boundaries of a closure. So the burden on
5 enforcement is to apprehend vessels that are deploying or
6 harvesting fish in the closed area.

7 DR. CLAVERIE: Well, suppose Bob's Spaeth is out
8 there and you know he's going to be bottom long lining, but
9 he's not required to, nor does he have, VMS on board. All
10 right? How are you going to differentiate his boat from a
11 pelagic long liner who has left the same dock, going the same
12 course and direction over the same bottom; they're parallel,
13 they're going right along the side of the other. One of them
14 is going to end up bottom long lining, one of them is going
15 to end up pelagic long lining. One of them doesn't have to
16 have a vessel, a VMS thing, and the other one does. Now, how
17 do you distinguish between who does the --

18 MR. RAYMOND: Nobody has to have the VMS on board
19 (inaudible).

20 DR. CLAVERIE: But I'm just saying, assuming that
21 that's the difference, what -- how do you distinguish?

22 MR. RAYMOND: Are you concerned about the time the

1 gear has entered the water, before it hits the bottom? I
2 mean, the enforcement will have to determine whether or not
3 the gear is suspended and fishing in a pelagic mode.

4 DR. CLAVERIE: Well, once the gear is in the water,
5 if it's on the bottom I assume it's a bottom long line. If
6 it's suspended off the bottom, I don't know how far it has to
7 be suspended off the bottom to be a pelagic line. So while
8 the gear is being used, it ought to be obvious to the normal
9 person, but it's not obvious to this definition. You see,
10 that definition does not say, suspended off the bottom.
11 (Inaudible.)

12 MR. RAYMOND: But it does say, floats capable of
13 supporting the main line. That's the intent of the gear --
14 of the rule.

15 DR. CLAVERIE: Well, that --

16 MR. RAYMOND: I mean, it puts a burden on us.

17 DR. CLAVERIE: I know it does.

18 MR. RAYMOND: I mean, it's really very similar to
19 the drift gillnet fishery years ago, when we have to prove
20 that the gear was drifting and not stationary and not fishing
21 at the stab net. The burden is going to be on enforcement to
22 prove that it's pelagic long line gear, fishing in the closed

1 area.

2 DR. CLAVERIE: Yeah, but --

3 MR. RAYMOND: You help us with the wordsmithing
4 we're (inaudible).

5 DR. CLAVERIE: I hope we can come up with a
6 solution, because we're faced with this problem on the Gulf
7 Council, talking about restrictions on bottom long lining.

8 MR. RAYMOND: Perhaps you can tie it to the permit,
9 as Bob Spaeth's --

10 MR. ROGERS: Well, there are a number of other
11 conditions which would pertain to the fact, the mix of
12 permits that -- I presume Bob Spaeth has a shark permit but
13 perhaps not a swordfish permit, and perhaps not a tuna long
14 line permit.

15 DR. CLAVERIE: We discussed this just last week.
16 Mike MacNamara was there. He pulled out the regulatory
17 definition, and I forget which plan it was in. But it
18 defined long lining, and then it sub-defined pelagic and -- I
19 don't remember if it was just pelagic or bottom long lining,
20 or if it was also broken down into shark and reef fish, but
21 there were multiple definitions of long lining so you could
22 tell the difference between them, from the regulatory

1 definition. This doesn't do that.

2 So somehow or another, in this plan, you need to do
3 that some kind of way, whether it's depending on what permits
4 are on the boat -- and I really don't know if Spaeth also
5 carried pelagic permits or not. So he might have one boat
6 with -- two boats with both permits, and one of them's going
7 out to do one thing and one of them's going out to do the
8 other thing; the gear is on the boat for that particular kind
9 of fishing, and the permit things -- I may be wrong. Maybe
10 he has multiple -- doesn't have multiple permits.

11 But this is a problem where technicalities in
12 definitions is going to set up a catch-22, and we've got to
13 somehow get around it.

14 And it's particularly bad because you're thinking
15 of HMS, and the Council's thinking of shark bottom fishing,
16 which affects reef fish, and the reef fish fishing, really.
17 I mean, sharks aren't HMS, but that's the bottom long line
18 fishery that, you know, can interact with reef fish, too,
19 because it's on the bottom, but not so much, because they
20 know where to go to avoid --

21 MR. ROGERS: Thanks for that comment. We'll work
22 further with enforcement agents and the enforcement attorneys

1 to see if there is any further refinements to the
2 definitions that would help out in that situation, and
3 obviously we'll consult with the councils as well. Right.
4 Any other comments on this interim final rule? Nelson?

5 MR. BEIDEMAN: Yeah, I'll try to -- I'll keep it as
6 brief as possible. Blue Water will be submitting formal
7 comment.

8 What -- you know, first off, this very welcome,
9 reasonable, I hope somewhat practical rule, and maybe we can
10 make it a little bit more practical --
11 on the handles for these tools: these are very necessary
12 tools, but actually when you require a certain length handle,
13 you can make it more impractical for some boats, you know,
14 practical for others.

15 But you need a little flexibility, as far as the
16 handle. Some boats, you know, it's going to be most
17 practical to have like a four, five foot handle as opposed to
18 a six foot handle; some boats may need an eight foot handle.

19 They should have a handle that allows, you know, them to
20 reach the water appropriately to pick up a turtle. But you
21 need a little bit of flexibility there.

22 We're going to need constant updating on all these

1 tools. I know there's a lot of de-hookers that have come out
2 which are very good, and it's constantly evolving to, you
3 know, better and better tools to do such things as cut the
4 hooks. And what John Watson is looking at down in
5 Pascagoula, that may someday pan out to be able to, you know,
6 zip the hook off, you know, with an air propelled cutter.

7 Next, what we really need is, we need a reasonable
8 (inaudible). Operations are trying to make plans, so they
9 need to know what's going on. They need to be able to set up
10 their bait and their rentals and etc, etc, for a season. The
11 best resolution would be to develop a truly cooperative
12 research effort to find the best and most practical ways to
13 reduce sea turtle interaction that can be exported to the
14 international fleets that impact many times the sea turtles
15 of U.S. fishermen.

16 We're hoping that the National Marine Fisheries
17 Service will stay on course and, you know, come through with
18 a reasonable and truly cooperative research program. What
19 we've heard we are very concerned about. There's rumors
20 abounding all over that it's going to be a conditional
21 fishery and experimental only, a fishery that does not take
22 into account that many of these research items will in fact

1 cost targeted catch.

2 And you won't get anybody to sail, you know, 12,
3 1,500 miles up to the Grand Banks with an expectation that
4 the research that they really want to conduct but can't
5 really conduct unless there's fair compensation for, as far
6 as loss of targeted catch, they can't go up to the Grand
7 Banks with an expectation of not being able to make a
8 profitable trip. A very expensive venture.

9 MR. ROGERS: All right, well, that will be
10 tomorrow morning's discussion. Bill Holbrooke (phonetic)
11 will be here at 10:00.

12 MR. BEIDEMAN: Okay, well, that's on the rule book.

13 Moe has, you know, some valid points, I think,
14 though, that haven't been fully considered.

15 Another thing is, you know, these folks have a
16 right to fish with other gear, even with pelagic long line
17 gear on board. I mean, they can fish with rod and reel and
18 they often do. I mean, I haven't seen anything like
19 (inaudible) --

20 MR. ROGERS: Not by the final regulations that were
21 published for the closed areas. The pelagic long line gear
22 has to be off the vessel, according to that definition, to

1 fish with other gear. So you can transit only with pelagic
2 long line gear on board.

3 MR. BEIDEMAN: Now, that's screwy. I mean, that is
4 screwy. That's another screwy thing that's come out of all
5 the VMS stuff, because in most fisheries, what they do is,
6 you know, they make you stow the gear, have a canvas on the
7 gear, and then you can use other gear to fish. So that is --
8 I don't know where these kind of very unreasonable and
9 impractical things are coming forth. I hope that there's
10 rethinking on at least some of it. Thank you.

11 MS. JOHNSON: Thank you. Gail Johnson. I just
12 wanted to support the part about the dip nets. We took an
13 observer up to the Grand Banks and got a free dip net out of
14 it, thank you.

15 The line cutters, there are a whole bunch of
16 different things. I hadn't realized that there was a
17 restriction on how long that handle had to be. And I'm sure
18 that enforcement is going to say it's got to be six feet; it
19 can't be five feet five inches, it can't be six feet two
20 inches, it has to be six feet.

21 And the flexibility is important. The boat we used
22 to have, it was a long way down to the water. It had to have

1 -- if it wasn't longer, wouldn't be able to do it. The boat
2 we have now, six feet is probably just about right; if you
3 had it longer, you might be able to reach out longer, so long
4 as it was made out of the right stuff that it, you know,
5 didn't weigh itself down trying to get out that far.

6 What Nelson said about the research and testing out
7 different things for turtles is -- you have to keep testing
8 out different line cutter kinds of things, but the premise
9 that he was talking about, I kind of disagree with. And that
10 is that yeah, some years there are turtles out there and some
11 years there are not. And if there's a year when there's
12 turtles up there, I agree, you know, we do have to keep
13 trying to see what turtles don't like, but don't go on the
14 assumption that every year is going to be like these pooled
15 numbers.

16 Pooled numbers don't work for bluefin, they don't
17 work for turtles, they don't work for a bunch of critters
18 that don't respond to where we think they ought to be; they
19 respond to where there is food and where there is the right
20 temperature and lots of things that -- we don't know why
21 they're responding or we'd be catching them. Thank you.

22 MR. DEVNEU: Jack Devneu. Since this is a public

1 hearing, a portion of this, I feel compelled to put a couple
2 of things on the record. Despite the willingness of the
3 pelagic long line fishermen to use dip nets and line cutters
4 and work to -- you know, mitigation measures, etc., the thing
5 that needs to be made eminently clear, once again, is that
6 the jeopardy finding that has beget this round of stuff is
7 bogus. It's based on junk science and data, inappropriate
8 methodology, erroneous observer data, and interpretation and
9 extrapolation.

10 MR. ROGERS: Jack, can we hold off on that
11 discussion until tomorrow morning? We will be discussing the
12 biological opinion. And we're kind of running late and there
13 is a few members of the public, I believe, who want to make
14 some presentations on other issues.

15 MR. DEVNEU: All right.

16 MR. ROGERS: But we will have a full hour and a
17 half on tomorrow morning's agenda to discuss the biological
18 opinion.

19 MR. DEVNEU: All right, it needs to be on the
20 public record, though, Chris.

21 A PARTICIPANT: Thank you, Chris; thank you, panel.
22 Due to time constraints, I'm going to submit my detailed

1 comments in writing within 30 days, so as to let the public
2 get a little bit more comments in.

3 I do want to say one thing: I do support the dip
4 nets and the line cutters, as Willy said and those other
5 people have said.

6 Rusty and Bob and Sonja and other people have
7 already discussed the de-hooker; it's been on the floor many
8 times. I think that we do need to put dehooking devices on
9 board. I think they need to be voluntary, and I think the
10 fishermen need to learn how to use it and want to learn --
11 you know, use it correctly, want to use it. I don't think it
12 should be mandatory at this time. I'd like to put them on
13 the observer fleets, I'd like to get them into the outreach
14 programs, and I'd like to get them into the workshops.

15 With the panel's permission, I'll turn it back over
16 to the public. Thank you very much.

17 A PARTICIPANT: (Inaudible.)

18 A PARTICIPANT: Working on Eric Sanders' boat, we
19 had an observer on board. We released a couple dozen logger
20 head and a leatherback. They work great for if they're deep
21 swallowed, they work good in the bill, they work good on the
22 fins, they work good on the body. Thank you very much.

1 MR. HUMERIGHT: They're just not good for your --
2 Dewey Humeright (phonetic) -- and I just want to make
3 comments on National Marine Fisheries' proposal or gathering
4 of comments for the incidental long line fishery, regarding
5 landing the bluefin tunas. And it's about time they finally
6 come up to look at this.

7 Over the past five years in the state of North
8 Carolina -- and Chris is aware of this, because we come to
9 him five years ago about landing of bluefin tuna, and the
10 catch that you had to meet the requirements, it was way too
11 much for our boats. I think everybody's familiar with that,
12 meaning if you had a 200 pound fish at 8,000 pounds, is that
13 the right -- the two percent? Huh?

14 A PARTICIPANT: (Inaudible.)

15 MR. HUMERIGHT: 10,000 pounds for a 200 pound
16 bluefin. Since 1995, some -- you've had to discard your
17 bluefins. We've told National Marine Fisheries about it;
18 they sing dixie to us: oh yeah, oh yeah, oh yeah, oh yeah.
19 So finally about 19 -- I think the year 2000, 1999, after
20 some enforcement issues and wine and cheese with various
21 folks coming in, we started to ask questions. So in asking
22 the National Marine Fisheries questions, you don't always get

1 the answers you want to hear; you get probably the answer
2 they want to give you.

3 So I did a Freedom of Information Act, and I got
4 the last five years of landing for bluefin tuna. And what I
5 thought was going on was, that every state except for North
6 Carolina had been landing bluefin tuna with not meeting the
7 requirements, meaning that if you caught a bluefin tuna and
8 you went to any other state but North Carolina north, you
9 didn't have no problem. It was commercial sales, everything
10 was good and jim dandy.

11 But also during that time, we took 10 metric tons
12 out of the incidental category and we gave that to the
13 (inaudible), I think it was, out of that time. So to get on
14 with my comments here, I think that that should be given back
15 to the incidental long line category for the North. And the
16 reason for that is, it seems like it took five years and
17 everybody asking questions for North Carolina, for National
18 Marine Fisheries. I don't know who was asleep at the job,
19 but it doesn't matter; we need to rectify this.

20 I think that the landings should be based on
21 exactly what's happened for the last five years, meaning that
22 if you caught a bluefin tuna, hey, just include North

1 Carolina. Everybody's been landing their bluefin tuna.
2 They've been enjoying the commerce. The people in the docks
3 had no problems, the enforcement ain't had n problems, except
4 for (inaudible), where a couple of times they've been
5 enforcing the regulation. I mean, that's all good and dandy,
6 but when you go do this over a whole area, you ought to do
7 this to everybody. And this has been happening for the last
8 five years.

9 So a couple of things -- and when I called
10 enforcement down in Florida to ask the question, boy, they
11 wouldn't touch this with a 10 foot pole. I was like, well,
12 isn't this fair and equitable and everybody on the same
13 thing? Oh, yeah, but it's the Northern area; you know, the
14 cut off zone's right here and we don't want to touch it and
15 infringe on everybody's territory, you know.

16 So I think -- and one other thing with this. I
17 think National Marine Fisheries knows this now, and that's
18 the reason why they brought this to public comment. What is
19 good -- what's being put in place, or what has been put in
20 place, so that this doesn't happen again, so it don't take
21 five years for one state to figure out its fishermen is being
22 unfairly penalized for living in that state, which they hold

1 a permit for, which it should be just like everybody else's?

2 Anything in place now? Anybody looking at it like on a six
3 month schedule instead of a five year's down the road?

4 MR. ROGERS: All right, my understanding is that
5 Dick Livingston had reviewed the regulations with the
6 enforcement agents in the Northern region, and everybody is
7 quite clear on the regulations and enforcement procedures.

8 MR. HUMERIGHT: But I -- well, here goes back to
9 the question: that ain't the data -- when you have the data,
10 I don't think it's enforcement. It goes back and look over
11 the information for five years. I don't think -- I'm trying
12 to say, you know, what's going to stop it from happening in
13 the future, and why has it taken National Marine Fisheries
14 five years to rectify this when we sat right here and had
15 meetings with you, yourself. Maybe you just -- I guess you
16 got to work your way up the chain, and now you got up the
17 chain.

18 So how about -- I mean, when's this going to get
19 rectified? I know you got the -- you should do just what you
20 done for the last five years, but just include North
21 Carolina, because you won't mix everybody up on the docks.
22 You won't mix enforcement up, because they ain't been

1 enforcing nothing. It's been pretty good.

2 So just do the same thing as usual and just 'fess
3 up what you -- for the last five years that people in North
4 Carolina hadn't been able to land bluefin tunas anywhere near
5 the amount that every other state has. And that's pretty
6 pitiful to throw back a bluefin tuna. Thank you.

7 MR. ROGERS: Thank you, Dewey. We will be
8 discussing this tomorrow morning, with suggestions on
9 modifying the landings criteria.

10 A PARTICIPANT: (Inaudible.)

11 MR. BEIDEMAN: (Inaudible.) What I have here, I'll
12 pass them around, and if they can be returned to Dewey
13 afterwards. There's been flip flopping of enforcement on the
14 bluefin tuna, and the safe report mentions that pelagic long
15 line fishermen were not complying. That is absolutely false.

16 These are two letters from NOAH General Council,
17 one in 1989, one in 1992. Both of these letters clearly
18 describe that for enforcement purposes, the agent at the
19 scene can decide whether or not it's a reasonable pelagic
20 long line catch, regardless of the two percent rule. Here's
21 these letters for the record, and to return them to --

22 We were complying with exactly what we were

1 advised.

2 A PARTICIPANT: Chris, can I just ask Dewey
3 something about his Freedom of Information thing? He said
4 that this -- the bycatch -- the required directed catch was
5 not being enforced in any of the other states. But in the
6 Gulf states, every bluefin tuna is an incidental catch,
7 because that's the spawning ground. And I thought it was
8 well enforced in the Gulf states. Is that wrong? Is --

9 MR. HUMERIGHT: I just meant that the states
10 (inaudible) North Carolina are not involved (inaudible) look
11 at Gulf states (inaudible).

12 A PARTICIPANT: Okay, so you weren't talking about
13 the Gulf states; you didn't check that. Okay.

14 MR. HUMERIGHT: No, I was talking about (inaudible)
15 34 (inaudible) North.

16 A PARTICIPANT: Got you, thank you.

17 MR. ROGERS: Gary Sheeda, Bob (inaudible) and
18 (inaudible).

19 MR. OBST: Yeah, I'm Tim Obst. I'll go ahead and
20 go ahead. I'll try to make this brief, since I know
21 everybody is anxious to get out of here.

22 First off, on the proposal to extend the closure of

1 the Charleston Bump, I'd like to commend NMFS for taking this
2 action, try to recoup some of the conservation losses that
3 were forfeited when the month of February was left open to
4 long lining in those areas. We would support options two and
5 three, with -- we would prefer to see option three
6 implemented, because option three, extending the closure
7 through the month of June, would see most of the conservation
8 benefits recouped.

9 I would like to point out, though, that the
10 proposed rule focuses on the Charleston Bump, but what is
11 neglected in the analysis is the fact that the Florida
12 Straits closure, off of Florida, was also delayed by one
13 month. So there was the conservation losses there, as well.

14 And also, it could have been some economic gains
15 from the industry, if they were able to keep fishing, indeed,
16 in the month of February off the Florida straits. So I would
17 ask the agency to incorporate that analysis also into the --
18 in considering extending the Charleston Bump closure.

19 Also, we are told by some members of the South
20 Atlantic Council that long lining for dolphin is occurring in
21 the closed areas. We're very concerned about this, and I
22 think NMFS is, too. And in fact, I believe that the agency

1 asked South Atlantic Council to close that loophole and to
2 prohibit long lining for dolphin in any areas closed by NMFS
3 to HMS fishing. And that emergency action is now in NMFS'
4 hands, so I'd encourage the industry to act as swiftly as
5 possible in implementing that.

6 Also, I would encourage the agency to step on the
7 VMS requirements, and anything the agency can do to quickly
8 implement VMS, and pelagic long line fisheries are now
9 several time area closures, and VMS is the only practical
10 method of enforcing those closures. So I would encourage the
11 agency to take action on that as soon as possible.

12 I think there was a lot of discussion yesterday
13 about observer coverage, and various levels that were
14 necessary in various commercial and recreational fleets.

15 And just quickly, I'd like to point out that I
16 think the intent of observer coverage is to ground truth data
17 that is reported to NMFS, and therefore I think the agency's
18 decision to place the focus of the observer coverage in the
19 long line fleet, at this time in particular, is very
20 appropriate, considering there are several time area closures
21 and other measures that are in place to reduce bycatch. And
22 we need to know what the effects of those closures are going

1 to be, and observer coverage is going to be essential in
2 determining what that is.

3 And to take that a little bit further, we've said
4 for a number of years that we think NMFS should develop a
5 comprehensive bycatch reduction program with, you know,
6 various targets for bycatch reduction and a time table to
7 meet those target goals, and then a way to analyze and
8 evaluate those, the measures, to see if they've been
9 affected.

10 As far as the bluefin tuna discard issue goes, I
11 know this is a very contentious issue, but I would like to
12 remind the agency that back in 1992, it enacted the current
13 landings criteria that we have now. And the reason that that
14 was enacted back then was to end what the agency called the
15 directed bycatch, quote unquote, of bluefin tuna.

16 And so we are therefore very concerned about
17 relaxing the landings criteria to land bluefin, for fear that
18 it would create a directed bluefin long line fishery. You
19 know, three fish could potentially, you know, make one trip
20 worthwhile. And we are very concerned that if there's a
21 directed fishery, that that's not only going to increase
22 landings, but also increase discards from the level that they

1 are now.

2 And finally, one of my final comments is on the 250
3 blue and white marlin caps on the recreational sector. First
4 off, we certainly support capping recreational landings of
5 blue and white marlin at the levels, or around the levels,
6 that they are now.

7 I think it's important to point out that the 250
8 number is not based on science, but was rather an estimate of
9 what the current level of landings are at the present time.
10 We are somewhat concerned that the agency is going to find
11 ways to increase monitoring. They could uncover landings
12 that were previously unaware of, and then use that additional
13 information to impose additional restrictions on the
14 recreational fishing sector. The 250 cap was never meant as
15 a restrictive measure, at all.

16 We fully support monitoring. We definitely need to
17 get more data on this fishery and to see what that is, but I
18 think if NMFS finds in the future that the number of
19 recreational landings has increased to over 250, we need to
20 find out if that's because actual landings have increased or
21 whether that's just because of better reporting requirements,
22 because I think there's a very important distinction there.

1 And again, this was never meant as a regulatory --
2 as a punitive action or as a regulatory action. Rather, the
3 capped level as it -- where it currently is now.

4 Let's see if I have anything else here.

5 And just -- well, to continue on that at the same
6 time, I think it's also important to point out that the
7 recreational sector has been the driving force for billfish
8 conservation in the Atlantic, and it's taken numerous steps,
9 mostly which are voluntary, to advance conservation.

10 The last two ICCAT recommendations that affect the
11 U.S., as far as billfish conservation goes, have put the
12 burden solely on the recreational sector. First there was a
13 recommendation to reduce 1996 landings by 25 percent by 1999,
14 and now there is a cap on the number that can be landed.

15 And I would just like to point out that the agency,
16 while imposing restrictions on the recreational sector, has
17 begun to impose regulations on other sectors that influence
18 billfish mortality, but at best estimates, the time area
19 closures that have been implemented only are going to reduce
20 long line bycatch of white marlin by 7 percent, and so we'd
21 like to see more action there to help larger source of
22 mortality in U.S. waters.

1 And I think that's about it. Thanks for taking the
2 time, and I appreciate the opportunity to comment.

3 A PARTICIPANT: (Inaudible.)

4 MR. McAULIFF: Good evening, Chris. I see we
5 finally get to meet.

6 I've been asked by Chris to address the HMS council
7 AP on this matter. We're trying to basically -- I'll make
8 this kind of brief, because it's very late. We'd like to get
9 NMFS to reopen the hand line permit for swordfish and shark
10 to the Caribbean area fishermen.

11 To give you a brief idea of what we're talking
12 about, a typical Virgin Islands HSM fisherman and gear:
13 these guys are fishing out of 18 to 30 foot open fishing
14 boats, powered by twin outboards ranging from 50 to 100
15 horsepower. Their main gear, gear of choice, are hand lines
16 on what they call yo-yos, of 50 to 120 pound test mono, and
17 they're fishing for -- they're targeting all your bays:
18 mahi, wahoo, and they catch a few swordfish and shark,
19 incidentally.

20 Their education seldom takes them through high
21 school. All of them are very religious and family oriented;
22 most of them have very large families that they're

1 supporting.

2 The normal trip for these people would be leaving
3 home and being back in eight to 12 hours. Their boats are
4 hauled out from the house in the morning, and hauled back on
5 trailers at night. The boats do not remain in the water for
6 security reasons, both from weather and people with sticky
7 fingers.

8 The crew would normally be the owner, operator,
9 owner operator and one helper, owner operator and two
10 helpers. The crew size depends on the weather, the time of
11 the year, catch rate and the owner's preference on a
12 particular day.

13 Now, we're not represented on this panel simply
14 because none of these people have large incomes. They barely
15 support their families, and they can't afford to send me up
16 here. And when this -- these panels were set up, there was
17 no funding to pay for transportation and expenses, like with
18 the ICCAT, which I am a member of. I'm on the advisory panel
19 there, so I do get paid my expenses to come to that. This
20 particular trip, I had to save and dig in my own pocket to
21 get my body up here.

22 We need representation. I'm very upset that the

1 representative from the Caribbean chose to leave prior to the
2 public hearing, because he was supposed to be here to back up
3 anything I said and verify it, so you're just going to have
4 to believe me.

5 Some of the random thoughts: we'd like to find a
6 way to legally harvest the highly migratory species within
7 the Caribbean region. At this point, the only thing we can
8 catch are the tunas by those boats that do have licenses for
9 that.

10 Within that program, there is no data collection.
11 So even though I have been fighting for data collection at
12 the ICCAT for years -- I worked quite a bit with Rebecca Lent
13 before she left on it, trying to find some method of counting
14 the tunas that are caught within the Caribbean.

15 Because pretty much as far as NMFS is concerned,
16 there are no tunas in the Caribbean, because there's no
17 record of it. And if there's not a record of it, they don't
18 exist. I think we all know that that's a bit of a fallacy,
19 because NMFS records have a lot of leaky spots.

20 What we basically have asked NMFS to do, through
21 Rebecca Lent when she was here, is to simply re-open the
22 period for our local fishermen to apply for hand line permits

1 for shark and swordfish, and have that included with the tuna
2 permit; make it all one permit, and let the guys market their
3 fish legally instead of having to go in the back door.

4 Because in the Caribbean, when a fisherman goes out
5 in a small boat and catches a fish, he doesn't know what's
6 going to bite. Whatever he catches, he's going to bring in
7 and sell, because he's got to make that day's pay and buy
8 groceries for his family for that day. So nothing is being
9 thrown back.

10 You do have regulatory discards, but they don't
11 apply in the Caribbean because you're going to have to go out
12 there and put a gun to a man's head to make him throw that
13 fish back over board. If he caught it and killed it, he's
14 going to either eat it himself or his family, or he's going
15 to sell it to buy food. So we're just asking to work with us
16 to make it possible for these people to make a living the way
17 they chose.

18 They're being forced offshore, from their
19 traditional fishing of traps and shallow water fishing, by
20 local regulations and regulations from the management
21 councils, but as they're being forced beyond the three mile
22 limit, they're being told that they can't catch anything

1 beyond the three mile limit because those are all highly
2 migratory fishes and they don't have the proper permits.
3 They would like to have those permits.

4 One of the other things that was presented to us
5 was that, well, NMFS put this information out and set these
6 deadlines through the various government agencies, Caribbean
7 Fisheries Management Council and our local insular
8 government, but that information was never transmitted down
9 to the fishermen. They were never educated about it or, you
10 know, really brought to their attention.

11 The first thing that was brought to their attention
12 to know that they even had to listen to NMFS was the tuna
13 permit when the Coast Guard started coming in and armed
14 National Marine Fisheries enforcement officers started
15 seizing their catch and their boats as they came to the shore
16 with their fish. Then they realized that yes, well, maybe we
17 should apply for some of these permits.

18 But it didn't come through the channels it was
19 supposed to come through, the local Department of Natural
20 Resources and the local government and the management
21 councils. It's much easier for those people to just pick up
22 their check and go home every two weeks than to really do

1 their job. And another reason why I'm upset that Vernon
2 Brown isn't still here, because I wanted him to hear me
3 personally say this, that I'm unhappy with the local
4 situation.

5 And I believe Chris' position is that
6 recommendations to move ahead with this will have to come
7 from the combined councils as an industry in the Caribbean.
8 This includes Puerto Rico, Saint Thomas, Saint John,
9 (inaudible) Island and Saint Croix, are not represented on
10 these panels. So I have to come up here as a public
11 individual to make this appeal.

12 I was planning on sitting down for a long question
13 session. I have a lot of back up documents, if people wanted
14 to ask questions, but we've pretty much run out of time, so
15 I'll just make a simple appeal and maybe Chris will sit down
16 with me and we'll find some way of working this out.

17 MR. ROGERS: Well, not right now, but certainly at
18 some point in the near future, I'd appreciate your thoughts
19 on improving our ability to communicate with the affected
20 individuals. Obviously the channels that we have used in the
21 past are not working for whatever reason, so any improvements
22 that can be made, please let us know.

1 We do have one minute before 10:00. If any of
2 those individual AP members have any thoughts, this was a
3 very painstaking and long process to go through the swordfish
4 and shark limited access program.

5 And as was mentioned, we did make every attempt
6 through the channels that we were aware of to communicate
7 this oncoming program to those affected fishermen in the
8 Caribbean, the Puerto Rico and U.S. Virgin Islands. But
9 opening up that box, you know, has implications far beyond
10 your local fishery. We'd have to come up with some pretty
11 explicit criteria for re-opening that to certain individuals.

12 So I'd appreciate any comments of those who have
13 views on the limited access program as it has been
14 implemented, and whether or not there were any particular
15 views on the situation in the Caribbean. Moe?

16 DR. CLAVERIE: Well, you want views tomorrow,
17 right? But I have some questions that I'd like to ask
18 (inaudible) while he's here.

19 MR. ROGERS: Yeah, let's make use of Bob's time
20 while he's here, and --

21 DR. CLAVERIE: Bob, will any white or blue marlin
22 die because of this fishery?

1 BOB: No.

2 DR. CLAVERIE: Okay, so we don't have to worry
3 about being counted against that 250?

4 BOB: No, the fishermen now are respecting the
5 marlin, because that is the one thing that's been enforced
6 all along, is that our local enforcement officers will slap
7 your hands real hard.

8 But now while we had the joint council meeting in
9 Saint Thomas, we did have an incident of an unlicensed
10 fisherman catching and selling a blue marlin on the street,
11 but he, from what I could find out, was unlicensed. He did -
12 - I got a call while we were at that council meeting, and we
13 transmitted that to Saint Thomas enforcement and they
14 contacted Saint Croix enforcement. But they've never
15 reported back to me what the action on that was. But the
16 legitimate fishermen that are licensed to respect the marlin
17 regulation.

18 DR. CLAVERIE: That would mean part of this fishery
19 would be that they're prohibiting from landing --

20 BOB: Oh, absolutely. That's been all along,
21 because -- and the thing is that marlin is so plentiful there
22 now that the local fishermen consider them a pest. We catch

1 on some days more blue marlin than we do tuna. And we wish
2 you recreational people would come down and unburden us of
3 these pesky critters.

4 DR. CLAVERIE: I can catch the bait for them, if
5 it's bonefish. What is this tackle? Is it a small size,
6 water line on floats or is it individual hooks on individual
7 lines, like Old Man and the Sea, or what?

8 BOB: Just like Old Man and the Sea. What they
9 will do to increase the production, a normal boat would have
10 two lines, one for each fisherman, in his hand, and then two
11 set loose on floats with one line and one hook that they
12 watch, to give them the double production. But you're
13 talking maximum four to five hooks in the water at any one
14 time.

15 DR. CLAVERIE: Okay, and they're manned hooks,
16 they're --

17 BOB: They're all manned.

18 DR. CLAVERIE: And the sales that you were talking
19 about are local sales; they don't leave the island, do they?
20 Or the --

21 BOB: We -- in tuna season, we can produce enough
22 to have a very viable export business.

1 DR. CLAVERIE: From the fishery?

2 BOB: From that fishery. It is presently hampered
3 because the funding that was guaranteed through World
4 Development for the fishermen's co-op has not been put in
5 place yet, so we could not buy fish during this year's tuna
6 season. We did for a three week period, and more than
7 doubled the projections that were made by the government for
8 what we would produce, with only about 10 percent of the
9 fishermen participating.

10 DR. CLAVERIE: And what -- I remember discussion
11 about not allowing sales, foreign sales. Was that ever
12 implemented? This is the artisan al fishery that it used to
13 be called?

14 BOB: Yeah, this is primarily the artisanal
15 fisherman that are being forced out of the -- off the
16 shallows out of territorial waters into EEZ (phonetic)
17 waters, and then being, as they go out there, being told
18 that, well, you can't come out here because you don't have
19 the proper permits.

20 DR. CLAVERIE: I understand that, but they were
21 restricted before; are they -- they're restricted on the in
22 shore fish? Wasn't there a prohibition against international

1 sale of their catch or something?

2 BOB: No, not that I know of.

3 DR. CLAVERIE: I remember being at (inaudible).

4 BOB: But what it is, is that we can't land our
5 fish into the British islands or the other islands, but the -
6 - all the other islands target all these same fish that --
7 and they can bring them right in and sell them in the
8 American islands.

9 DR. CLAVERIE: Right. Okay, so --

10 BOB: It's one sided. It doesn't go both ways.

11 DR. CLAVERIE: So a provision preventing
12 international sale of these tunas would not be good, it would
13 be inappropriate?

14 BOB: It wouldn't affect us one way or the other,
15 because the better market is Miami.

16 DR. CLAVERIE: Okay. And is one of the boats
17 called Nelson's Pride?

18 BOB: Not that I know of.

19 DR. CLAVERIE: Okay.

20 BOB: Seems to me that's the name of somebody's
21 bass boat or flounder boat up in New Jersey.

22 DR. CLAVERIE: Could be (inaudible). Should be.

1 MR. ROGERS: Any other questions or comments on
2 this issue? All right, we had -- thank you very much for
3 your presentation, Bob. One more sheet, Jerry Sheel
4 (phonetic) had signed up indicating he wished to speak on
5 some --

6 A PARTICIPANT: (Inaudible.)

7 MR. ROGERS: -- some or all subjects. Well --

8 A PARTICIPANT: He said he trusted you.

9 MR. ROGERS: He trusted me.

10 A PARTICIPANT: (Inaudible.)

11 MR. ROGERS: That's his first mistake. All right,
12 well, we thank you all for persevering. One point of
13 business: I did have one request to delay the start time
14 tomorrow, because folks felt that they needed to check out of
15 their hotels and cart their luggage along with them and they
16 might need a little bit more time to --

17 (End side A, tape 9.)

18 -- business. A suggestion was made to start at 9:00 instead
19 of 8:00. How do folks feel about that? Too late?

20 A PARTICIPANT: When we going to be finished? What
21 time will we end?

22 MR. ROGERS: We'd still have to end at 3:30,

1 because people have airplanes to catch.

2 And we will be making calls for the shuttle. We
3 did have the sign up list over there. Anyone by about 10:00
4 tomorrow morning, we'll get a tally of who's going to what
5 airport at what time, and we'll come up with some shuttles.
6 So if you haven't made that list and you want to get involved
7 in a group effort rather than call your own or deal with a
8 taxi cab, just get on that list by 10:00 tomorrow.

9 We'll see you here at 9:00, 9:00 sharp.

10 A PARTICIPANT: Eight-thirty.

11 A PARTICIPANT: Eight-thirty is better.

12 MR. ROGERS: Eight-thirty?

13 A PARTICIPANT: Eight o'clock.

14 A PARTICIPANT: (Inaudible) is one at 10:00, so --

15 A PARTICIPANT: If you say 9:00 we'll start at 9:30
16 (inaudible).

17 MR. ROGERS: All right, let's say 8:30 as a
18 compromise.

19 (End side B, tape 9.)

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